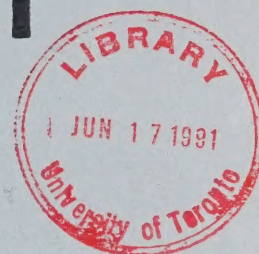


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-H26

EA-87-02



# ENVIRONMENTAL ASSESSMENT BOARD



VOLUME: 317

DATE: Monday, June 3, 1991

BEFORE:

A. KOVEN Chairman

E. MARTEL Member

FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416) 963-1249

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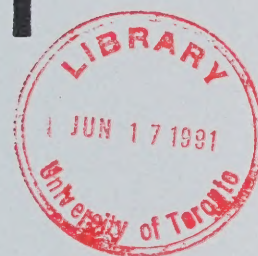


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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL  
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR  
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental  
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental  
Assessment for Timber Management on Crown  
Lands in Ontario;

- and -

IN THE MATTER of a Notice by The Honourable  
Jim Bradley, Minister of the Environment,  
requiring the Environmental Assessment  
Board to hold a hearing with respect to a  
Class Environmental Assessment (No.  
NR-AA-30) of an undertaking by the Ministry  
of Natural Resources for the activity of  
Timber Management on Crown Lands in  
Ontario.

-----

Hearing held at the Red Dog Inn, 200 Stewart  
Street, Fort Frances, Ontario, on Monday, June  
3rd, 1991, commencing at 1:30 p.m.

-----

VOLUME 317

BEFORE:

MRS. ANNE KOVEN  
MR. ELIE MARTEL

Chairman  
Member





A P P E A R A N C E S

MR. V. FREIDIN, Q.C.	)	MINISTRY OF NATURAL
MS. C. BLASTORAH	)	RESOURCES
MS. K. MURPHY	)	
MR. B. CAMPBELL	)	
MS. J. SEABORN	)	MINISTRY OF ENVIRONMENT
MS. N. GILLESPIE	)	
MR. R. TUER, Q.C.	)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN	)	ASSOCIATION and ONTARIO
MS. E. CRONK	)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY	)	ASSOCIATION
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MR. R. REILLY	)	ABORIGINAL ASSOCIATION
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MR. D. WOOD	)	POWER & PAPER COMPANY
MR. D. MacDONALD		ONTARIO FEDERATION OF LABOUR





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MR. G.J. KINLIN		DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC		MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES		ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI		BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY





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MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION



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I N D E X   O F   E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
1868	Statement to the Legislature by the Hon. Bud Wildman, dated Monday, June 3, 1991.	56045
1869	Letter dated Februaryu 24, 1991 on the letterhead of the Game and Fish Hearing Board, singed by Don. Empey, acting chairman; also a Summary of Appeal document by Mr. Steve Jourdain attached thereto.	56046
1870	Letter dated September 22, 1982 to Mr. A.M. Harjula from Chief Justin Boshey.	56074
1871	Letter dated Aug. 22, 1989 to the Hon. Lynn Macleod from Chief Steve Jourdain.	56075
1872	Map of Quetico Provincial Park published by the Ontario Foundation, dated 1989.	56077
1873A	Quetico Provincial Park master plan, dated September 1977.	56080
1873B	Page 8 from the Quetico Provincial Park revised park policy, dated 1982.	56080
1873C	Page 11 from the Quetico Provincial Park revised park policy, dated 1989.	56080
1874	Map showing the existing traplines in the vicinity of the Lac La Croix Indian band.	56083
1875	Trapline returns for Robert Atatise, Elizabeth Lessard, William Wilson, Steve Jourdain, Albert Morrison, Edward Atatise.	56090





I N D E X   O F   E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
1876	Map showing the location of some of the traplines in the vicinity of the Lac La Croix area as well as an indication of timber management activities in the same areas.	56093
1877	12-page document produced by MNR containing correspondence re Steve Jourdain and issues pertaining to trap line and Fish and Game Board hearing.	56101
1878	Letter dated Aug. 15, 1985 from District Manager Atikokan to Chief Bochev, letter dated November 14, 1986 from Minister Kerrio to Chief Jourdain, and letter dated May 3, 1991.	56108



1 ---Upon commencing at 1:30 p.m.

2 MADAM CHAIR: Good afternoon, Mr.  
3 Colborne.

4 MR. COLBORNE: Good afternoon, Madam  
5 Chair.

6 I believe all of the parties are aware  
7 that there was some trouble confirming witnesses for  
8 today due to two developments; one was that the hearing  
9 in the related funding matter extended from the  
10 expected one half to one day to the unexpected two days  
11 which occupied all of the remaining business days last  
12 week following the close of this hearing at the end of  
13 the day on Wednesday; and, secondly - and this not all  
14 parties are necessarily aware of - the Chiefs of the  
15 Fort Frances District were scheduled to meet last  
16 Friday and finalize their arrangements with respect to  
17 representatives for today, however, that meeting had to  
18 be cancelled on short notice and that, unfortunately,  
19 left me at the end of the day on Friday trying to  
20 contact people over one of the nicest weekend we have  
21 had - and, of course, everybody had gone out fishing.

22 However, I communicated with the parties  
23 on Saturday with a list of the community  
24 representatives who I expected would be here this  
25 afternoon.



1                   Since then there have been some further  
2       problems. I have some witnesses on the way travelling  
3       in various fashions. One was to be flying from Lac la  
4       Croix but wound up having to drive because there wasn't  
5       an aircraft available; one is driving down from beyond  
6       Kenora, and so on. The bottom line being that I would  
7       like a little time to get this organized.

8                   I was hoping to be ready to go at 1:30  
9       but, unfortunately, that's not the case.

10                  MADAM CHAIR: Well, Mr. Colborne, our  
11       retiring room is Room 215, so why don't we adjourn and  
12       you might tell us when you can get started and we'll  
13       put -- well, the parties can just call our room, 215.  
14       You can let us know right away.

15                  Actually, why don't you give your room  
16       numbers to Mr. Pascoe and he can call you.

17                  Do you think it will be in the next hour  
18       or so?

19                  MR. COLBORNE: Yes.

20                  MADAM CHAIR: Mr. Pascoe, the Board is  
21       asking you to get everyone's room number so we can have  
22       a little communication network going, and we'll  
23       reconvene when your witnesses show up.

24                  MR. COLBORNE: Thank you.

25       ---Recess taken at 1:40 p.m.

1 ---On resuming at 2:45 p.m.

2 MADAM CHAIR: Good afternoon.

3 Mr. Colborne?

4 MR. COLBORNE: Thank you for your kind  
5 indulgence, Madam Chair.

6 I mentioned that there were some problems  
7 in respect of the witnesses for today caused by  
8 numerous factors, not the least of which is that almost  
9 all of the Treaty 3 Chiefs are this week at Brantford  
10 for the All Ontario Chiefs Conference which, by pure  
11 bad coincidence, coincided with the week when they  
12 would be required here.

13 However, we have organized our evidence  
14 in such a way that there should not be significant  
15 disruption, with the one exception of today which  
16 hasn't worked out perfectly; nevertheless, I have some  
17 witnesses and they are now prepared to proceed.

18 And I would like to begin with the  
19 evidence on behalf of the Washagamis Bay community. The  
20 reference for anyone who should care to follow from the  
21 witness statement is to page 37, and the witness is  
22 Marvin Sinclair.

23 Marvin Sinclair, please.

24 MADAM CHAIR: Good afternoon, Mr.  
25 Sinclair.

1                    MARVIN SINCLAIR, Sworn

2                    DIRECT EXAMINATION BY MR. COLBORNE:

3                    Q. Mr. Sinclair, what is your position  
4 with the Washagamis Bay Band?

5                    A. I am on council there.

6                    Q. That is, you're an elected  
7 councillor?

8                    A. Yes, that's correct.

9                    Q. And I understand that Chief Alfred  
10 Sinclair is not available today, he's in Brantford?

11                   A. That's correct.

12                   Q. And you're here, however, with some  
13 basic information about the Washagamis Bay community?

14                   A. Yes.

15                   Q. Have you taken a look at the  
16 information on pages 37 and 38 of the witness statement  
17 under the heading Washagamis Bay?

18                   A. Yes, I have.

19                   Q. Did you notice any major errors when  
20 you reviewed that information?

21                   A. I really didn't have a chance to look  
22 at it really carefully. This is my first time seeing  
23 it today. But, upon reviewing it, there's nothing  
24 that's really very conflicting, as far as I can see,  
25 with what's written here in terms of what I know.



1 Q. Did you, when you were looking at it,  
2 think of any major gap, any big omission, anything  
3 especially having to do with forestry that had been  
4 left out or anything that came to you're mind that had  
5 to do with you're community and forestry that wasn't  
6 mentioned here?

7 A. Not really, no.

8 Q. Sir, could you show us on the photo  
9 mosaic which is right beside you where Washagamis Bay  
10 is and associate it, if you would, with some landmarks  
11 or places that we would recognize.

12 A. Okay. This would be it right in  
13 here. (indicating)

14 Q. You're pointing to the north shore of  
15 Lake of the Woods?

16 A. Yeah, we're southwest of Kenora,  
17 approximately nine or 10 miles.

18 Q. And what's the link between Kenora  
19 and your community; how do you travel between --

20 A. We travel by road, it's road access.

21 Q. What, sir, is the main economic base  
22 for the Washagamis Bay community?

23 A. Right now we have -- I guess the main  
24 employer on the reserve would be the Band office, there  
25 are no really -- and program we have, housing program.

1 We really don't have too much other in terms of  
2 employment.

3 We're now working towards getting some  
4 employment for the Band through economic development  
5 development of our resources on the community cottage  
6 lot development, to be exact, and that is going fairly  
7 well right now.

8 Did everybody hear that?

9 Q. Is there any harvestable wood supply  
10 available on the reserve?

11 A. There is but it probably wouldn't be  
12 feasible in terms of what it would cost to, you know,  
13 for the whole process, you know.

14 There's not really too many people there  
15 with the machinery and stuff. There's only one  
16 individual in the community and he's a non-Band member  
17 that does this kind of work and he usually works  
18 outside the community.

19 Q. Okay. I will return to that in a  
20 minute but, first, I would like to ask you a couple of  
21 more questions about the sort of the basic economic  
22 situation of the community and I would like to start  
23 with trapping.

24 Is there any participation in trapping by  
25 members of your community?

1                   A. In recent years there was, but  
2                   there's not really too much activity in that area now  
3                   due to the fact that the prices for fur and that has  
4                   really drooped, and basically because we're located in  
5                   an area where there's so many people living around us;  
6                   there's Kenora on one side of us and on the other side  
7                   we have Clearwater Bay where there's a lot of people  
8                   living there seasonally and year round.

9                   So the areas that were traditionally  
10                  trapping areas have been settled in by people.

11                 Q. What about wild rice, is there much  
12                  of a wild rice industry basically in your community?

13                 A. Not really. The wild rice -- the  
14                  harvesting of wild rice has not really been very good  
15                  in the past 10 years, I would say, you know.

16                 There's been a few years where they could  
17                  have harvested rice from the community, but the  
18                  fluctuation of the water level has really had an effect  
19                  on that, a negative effect.

20                 Q. And, sir, what about hunting, is  
21                  hunting a major factor in terms of -- well not  
22                  necessarily income, but at least of putting food on the  
23                  tables at your community?

24                 A. Not really. Because of the economic  
25                  development program that's going on now of the cottage

1 lot development, that was usually an area that we used  
2 for hunting and we cannot hunt there anymore as a  
3 result of the land being surrendered and things like  
4 that.

5 Q. What's the general job situation on  
6 the reserve? You mentioned that there were people  
7 working for the Band. I think you mentioned a housing  
8 project?

9 A. Yeah.

10 Q. But I guess what I'm getting at: Is  
11 there an unemployment problem at all?

12 A. Yes, we have a real problem with  
13 that. The only seasonal employment that we have in the  
14 community itself in the past years would have been the  
15 housing and that only lasts for two or three months at  
16 the most, and the Band office employs three to four  
17 people. OTFS as well employs two people on a permanent  
18 basis.

19 Q. OTFS, is Ojibway...?

20 A. Ojibway Tribal Family Services, three  
21 people I guess from the community because I'm from the  
22 community and I work for OTFS as well, I'm a senior  
23 family worker.

24 Q. And outside of what you've mentioned,  
25 it's pretty well an unemployment situation; is that...



1                   A. Yes, that is a real problem in the  
2 community.

3                   Q. I want to return again in a minute  
4 possibly to discussing jobs but, as you know, we're  
5 mainly focussing on forestry here, so before I do that,  
6 before I return to jobs, I would like to ask you if  
7 there are any effects caused by forestry operations of  
8 any kind, whether it's cutting or mills or logging  
9 roads or dams that are built to supply mills with power  
10 or anything of that type, any direct effects on your  
11 community or on its resource base?

12                  A. Not really. About 20 years ago there  
13 was an old logging road that was cut out and that, on  
14 the community itself, and that really didn't have a  
15 negative effect, as I could say, but I think it was --  
16 it did help us with our cottage lot development because  
17 it was a road there that was built on the old logging  
18 road. So that was an advantage.

19                  Q. So you were able to actually make use  
20 of a road that had originally been built for logging  
21 purposes?

22                  A. Yeah, yeah. Not for the total length  
23 of the road but, you know, they had to reroute the road  
24 in some areas, but it was -- it was a help.

25                  Q. This cottage lot development, that is

1 on your reserve land; is it?

2 A. That is correct.

3 Q. And can you tell us just  
4 approximately what stage it's at?

5 A. Well, right now we're in the process  
6 of leasing lots already. I really couldn't give you an  
7 exact number as to how many lots we have leased, but we  
8 have four sections of the reserve that we are going to  
9 be developing possibly in the future.

10 We have two sections that we are  
11 developing right now. We're trying to phase it in with  
12 each area just to see how it goes along. We don't want  
13 to go in too fast, know, we want to wait and see how it  
14 affects the community and things like that.

15 Q. Sir, are there any Indian controlled  
16 forestry operations either on-reserve or off-reserve  
17 centered at Washagamis Bay right now?

18 A. No, there isn't.

19 Q. Have there been any in the past?

20 A. Not to my knowledge, no.

21 Q. I understand there was one small  
22 contract, it's mentioned in the witness statement.  
23 Perhaps I could read to you exactly what it says here.  
24 It says at the end of the last full paragraph on page  
25 38:

1 "In the past, the Band had a subcontract  
2 for poplar but lost money on the  
3 operation."

4 Do you have any knowledge of that?

5 A. Yes, I do. I think the reason for  
6 the Band losing money on that particular endeavor was  
7 due to the fact that the contractor, the fellow that  
8 was working -- the contractor outside of the community  
9 that was working with the Band was not very well  
10 organized, he was experiencing problems.

11 His first problem that he encountered was  
12 securing funds to purchase the equipment that he needed  
13 to start the work, and then after that there was a  
14 whole series of problems that he ran into; breakdowns  
15 and things like that, not being able to get the wood  
16 out on time to the mill and, as a result of that, the  
17 wood sat for quite a while.

18 I guess - I'm not really familiar with  
19 the whole process of that, but apparently it had to be  
20 delivered right away, after the logs were debarked they  
21 had to be delivered within a certain period of time to  
22 the mill otherwise the quality would deteriorate.

23 Q. I said a few minutes ago that I would  
24 get back to the question of jobs and I would like to do  
25 that by asking you about jobs in forestry, and you've

1 already said that there's nothing -- there's no Indian  
2 control of forestry operations in your community.

3 So we're talking now about jobs that  
4 members of your community had in the past or have now  
5 for non-Indian employers, this could be contractors or  
6 mills or anybody in the forest industry.

7 Is any member of your community employed  
8 cutting or in other woodlands operations?

9 A. No, they're not.

10 Q. What about in the past, do you have  
11 people there who used to be loggers?

12 A. Like I had mentioned before, there's  
13 only one -- two people actually, there was one that  
14 transferred from another Band and he's now a Band  
15 member. He was -- he was subcontracting outside the  
16 community for Mack Morrison Contracting, and also  
17 another fellow who is not a Band member who was doing  
18 the same thing, subcontracting outside the community.

19 But other than that, I think within the  
20 last three years that has pretty well stopped, there  
21 has been no continued work in that area.

22 Q. What about tree planting, do any  
23 members of your community get income from tree  
24 planting?

25 A. In the past, outside the community,



1       there have been tree planting, there has been tree  
2       planting done. I think the past two years there has  
3       been a little bit of tree planting done within the  
4       community, but it's not on a very large scale, and I  
5       believe this last -- the most recent planting that was  
6       done was only a one-week program.

7                   Q. What about firefighting?

8                   A. Maybe one or two individuals every  
9       year.

10                  Q. And you're not far from the Boise  
11       Cascade mill at Kenora. Is there anybody from  
12       Washagamis Bay employed there?

13                  A. Not at the present, no.

14                  Q. What about the relationship between  
15       Washagamis Bay and the Ministry of Natural Resources;  
16       is it good or bad or non-existent, or how exactly would  
17       you describe it?

18                  A. Well, I guess you could say it's  
19       non-existent. The only times I've ever heard of  
20       Ministry of Natural Resources coming in the community  
21       was, prior to my being on Council I was involved with  
22       the Band administration, I worked in the Band office  
23       myself, and we had to go to Toronto for a meeting with  
24       some of these people from MNR and the only reason for  
25       in was because they came on to the reserve and

1       confiscated some nets.

2                   Q.   There's mention in the witness  
3       statement about discussions that the Band had with MNR  
4       about buying out existing licences; that is, cutting  
5       licences. Did you ever have anything to do with that  
6       yourself?

7                   A.   I'm not really familiar with that,  
8       no.

9                   Q.   And, sir, am I correct that you are  
10      not the person who was the source of the information  
11      that we have here in writing; is that right?

12                  A.   That's correct.

13                  Q.   There is an opinion expressed in here  
14      however, and I'll just ask you if you have any comments  
15      on it, the opinion being that:

16                        "Only the poorer types of cutting  
17                        contracts come on the market for  
18                        purchase."

19                  And if you don't know anything about it,  
20      don't hesitate to say you don't know anything about it,  
21      but do you have any opinion on that or any information?

22                  A.   Well, I would tend to agree with  
23      that.

24                  Q.   And why do you say that?

25                  A.   Well, because if they were then, you

1 know, there's one fellow that had the machinery and  
2 that, you know, he would have still been working right  
3 now if there was -- if those types of things were open  
4 to him, I'm sure that he would be working right to this  
5 day.

6 Q. Does he still have that equipment?

7 A. No, he hasn't, he had to sell it off.

8 MR. COLBORNE: Those are my questions,  
9 and I want to thank you for coming here on very short  
10 notice and taking the time and trouble when your Chief  
11 is not available.

12 There will be some more questions, I  
13 believe.

14 THE WITNESS: Okay.

15 MADAM CHAIR: Mr. Cassidy?

16 MR. CASSIDY: Thank you, Madam Chair.

17 CROSS-EXAMINATION BY MR. CASSIDY:

18 Q. My name is Paul Cassidy and I'm one  
19 of the counsel for the Ontario Forest Industries  
20 Association.

21 I was interested in your comment about  
22 the employment at Boise Cascade, and the witness  
23 statement refers to 183 people as being the on-reserve  
24 population, and that is on page 37.

25 A. Yeah.

1 Q. When you said that no one was  
2 employed at the Boise mill in Kenora, were you  
3 referring to the on-reserve population, the 183 people?

4 A. Yes, yeah. There were people  
5 employed in the past, I myself being one of those  
6 people.

7 Q. At Boise?

8 A. Yeah, that was back in 1979.

9 Q. Right. So there have been people  
10 employed at Boise in the past?

11 A. Yes, that's correct.

12 Q. And there are people who live off the  
13 reserve and yet who are members of your Band who are  
14 employed at Boise?

15 A. I would not have any knowledge of  
16 that.

17 Q. So there may be, but you have no --  
18 or may not be, but you have no knowledge; is that  
19 right?

20 A. Yeah, I couldn't say one way or the  
21 other.

22 Q. And do you know if anyone, to your  
23 knowledge, has actually applied to work at the Boise  
24 mill from the Band?

25 A. Not recently no, I wouldn't have any



1 knowledge of that.

2 Q. You have no knowledge of that.

3 MR. CASSIDY: Mr. Colborne, perhaps I can  
4 ask you for an undertaking to provide us with the banme  
5 names of any Band members who have applied to work at  
6 the Boise mill within the knowledge of the Band?

7 MR. COLBORNE: Well, I will undertake to  
8 ask the Band and to advise you of their answer. There  
9 could, I think quite obviously, have been such  
10 applications that would not come to the knowledge of  
11 the Band.

12 MR. CASSIDY: What I am interested is the  
13 names of any individuals that are known to the Band who  
14 have applied there. If the Band doesn't know, then  
15 obviously that information won't be available but I  
16 would appreciate that undertaking.

17 MR. COLBORNE: Yes.

18 MR. CASSIDY: Thank you.

19 Those are my questions.

20 MADAM CHAIR: Ms. Gillespie?

21 Thank you, Mr. Cassidy.

22 MR. GILLESPIE: I have no questions.

23 MADAM CHAIR: Mr. Freidin?

24 CROSS-EXAMINATION BY MR. FREIDIN:

25 Q. Yes. My name is Vic Freidin, acting

1 on behalf of the Ministry of Natural Resources. Just  
2 one question.

3 You mentioned that there was that  
4 contract for poplar and the contractor had difficulty  
5 getting financing for the equipment?

6 A. Mm-hmm.

7 Q. Was that contractor a member of the  
8 Band?

9 A. No, he was not.

10 Q. Was that contractor a Native person?

11 A. No, he wasn't.

12 MR. FREIDIN: Those are my questions.

13 Thank you.

14 Q. Oh, when was that, by the way?

15 A. I really couldn't say. It was about  
16 six years ago -- six or seven years ago.

17 MR. FREIDIN: Thank you. Those are my  
18 questions.

19 MADAM CHAIR: Thank you, Mr. Freidin.

20 That's it, Mr. Colborne.

21 MR. COLBORNE: One question by way of  
22 re-examination.

23 RE-DIRECT EXAMINATION BY MR. COLBORNE:

24 Q. Mr. Sinclair, Mr. Cassidy asked you  
25 about the jobs at the mill.

1 A. Mm-hmm.

2 Q. And my question is related to that.

3 It says in the witness statement:

4 "No jobs are thought to be hard or  
5 impossible to get."

6 I know that is not your expression of  
7 opinion but someone else's. What do you have to say  
8 about that?

9 A. Well, I think because of the economic  
10 situation in the community you would have to have  
11 transportation to and from work.

12 To give you an example of that, when I  
13 worked at the mill back in 1979 I went in and applied  
14 on my own and I didn't have a vehicle at that time. I  
15 was working seasonally and I had to -- when I first  
16 started working there it was in summer and I had to  
17 walk back and forth, you know, to and from work. So  
18 that was my situation there.

19 And I think a lot of people in the  
20 community would be in that same situation right now,  
21 just a matter of not having the transportation to get  
22 back and forth.

23 And I was on call for, you know, a good  
24 while before I got hired on permanently, and it's kind  
25 of hard to -- you know, sometimes when I did get called

1 in at, you know, they would phone me at six o'clock in  
2 the morning when someone had called in sick or  
3 whatever, they had an opening for me, I had to get a  
4 taxi and some people to have the funds, you know, just  
5 don't have the money to do that.

6 MR. COLBORNE: Thank you.

7 MADAM CHAIR: Thank you, Mr. Colborne.

8 MR. COLBORNE: Thank you very much, Mr.

9 Sinclair.

10 THE WITNESS: Okay.

11 MADAM CHAIR: The Board thanks you very  
12 much, Mr. Sinclair, for making the trip down to Fort  
13 Frances today.

14 MR. SINCLAIR: You're welcome.

15 MADAM CHAIR: Thank you.

16 MR. COLBORNE: My next witness is Harry  
17 Morrisseau.

18 MADAM CHAIR: Good afternoon, Mr.  
19 Morrison.

20 THE WITNESS: Morrisseau.

21 MADAM CHAIR: Morrisseau, I'm sorry, I  
22 thought I hear Morrison.

23 HARRY MORRISSEAU, Sworn

24 DIRECT EXAMINATION BY MR. COLBORNE:

25 Q. Mr. Morrisseau, I understand that you



1 are here to give us some information about the  
2 Couchiching community; is that correct?

3 A. Yes.

4 Q. I also understand you're here on very  
5 short notice?

6 A. Very short, yes.

7 Q. We thank you for that. Particularly  
8 I thank you for that. Sir, what is your position with  
9 the Couchiching Band?

10 A. I'm the Band economic development  
11 officer.

12 Q. And I wonder if you could just  
13 indicate on the photo mosaic there where Couchiching is  
14 and just tell us anything else we need to know about  
15 the location of the community you live in?

16 A. Couchiching is located next to Fort  
17 Frances, it's just right on the border of Fort Frances,  
18 on Rainy Lake.

19 Q. And, sir, did you have a chance  
20 before coming here, or at least coming into the hearing  
21 room, to read the information on pages 4 and 5 about  
22 the Couchiching Band and the community that's contained  
23 in the witness statement?

24 A. I looked at it briefly.

25 Q. Did you notice any major errors, and

1 I'm going to get back to population in a second, other  
2 than population?

3 A. Well, I believe on page 5 the amount  
4 of people working, it says:

5 "Between five and 10 reserve residents  
6 works in woodlands operations as cutters  
7 and four or five work at the Boise  
8 Cascade mill at Fort Frances and  
9 International Falls. In addition, there  
10 is some part-time income from tree  
11 planting, firefighting and maintenace  
12 operations."

13 But I think this one reserve resident  
14 works for MNR is correct.

15 Q. Okay. I'll get back then to the  
16 number of people working in woodlands operations and so  
17 on.

18 You may very well be in a position where  
19 your information is better than the information  
20 contained in here, and I just want to clarify, before  
21 proceeding, you are not the person who provided the  
22 information that is in here; is that correct?

23 A. That's correct.

24 Q. Okay. So we will get back to those  
25 numbers; that is, the numbers of persons employed.

1 Did you notice anything else that you  
2 would care to comment on in terms of any errors that  
3 you noted in this outline in the witness statement?

4 A. No.

5 Q. What about omissions, just in terms  
6 of anything having to do with forestry or the forest  
7 industry, is there anything you're aware of that's  
8 quite significant that isn't even mentioned in here  
9 that we should maybe know about?

10 A. I'm not sure if there's any mention  
11 of, like, cutting on reserve.

12 Q. Okay. Well, let's talk about that  
13 right now then. I think there's some mention in here  
14 about the problem of there being a lot of poplar, for  
15 instance, on reserve due to previous cut-overs. Do you  
16 agree that that is a problem?

17 A. The poplar?

18 Q. Yes.

19 A. Yeah, there is a lot of poplar at  
20 Couchiching and this is -- like, not a whole lot of the  
21 species that are required by Boise in some areas.

22 I think -- like, I can't be sure about  
23 this but, like, when I think about it, there was the J.  
24 Matthew Mill and the operation, pulp and paper  
25 operation in Fort Frances and I'm not sure, it's purely

1 speculation, but there might have been, like, white  
2 pine because there was some areas where there is now  
3 poplar where there is still a little bit of white pine  
4 here and there. So that might have been cut and it  
5 went to J. Matthew and the pulp and paper industry, but  
6 I can't be sure.

7 But I know that there is a lot of poplar  
8 there now. They left behind spruce, balsam. I have  
9 been walking in those areas and all I know is that  
10 there's not a lot of pine in some of the areas,  
11 especially that has access to the highway.

12 Q. I think you mentioned on-reserve  
13 cutting operations. Is there anything going on now or  
14 in the recent past?

15 A. Well, in the past they had been  
16 primarily cut by non-Indian people, I believe names  
17 were mentioned like Bill Reid, but there were reserve  
18 residents who had cut. I believe a McPherson, the  
19 Adams brothers, who are currently cutting on  
20 Couchiching now.

21 And we surrendered a huge tract of land  
22 to J. Matthew and I can't say for sure that he took all  
23 the trees off of that area that we surrendered, but I'm  
24 sure that's a possibility.

25 Q. Approximately how long ago would that



1 have taken place?

2 A. The surrender?

3 Q. The surrender and the cutting

4 following the surrender, yes.

5 A. Well, J. Matthew had -- I don't know  
6 when he opened his operation, you probably have access  
7 to that information more readily than I would, but I  
8 know my father and my uncles, and I believe even my  
9 grandfather worked for J. Matthew when he was there and  
10 it was a huge operation and a lot of people from  
11 Couchiching worked at the J. Matthew Mill.

12 Q. Is it still there?

13 A. No. After Matthew left, Ferriger  
14 started in operation and he employed primarily  
15 Couchiching Band members.

16 There were a few -- like, his brother,  
17 like they're a brother partnership I believe, and they  
18 have a logging operation and, like, his son cuts there  
19 but sometimes he takes some of the guys from the mill  
20 into the areas that he's cutting and they cut some pulp  
21 and bring it into the mill to be cut up.

22 But J. Matthew doesn't exist at  
23 Couchiching any more and Ferriger, his operation burnt  
24 down in, I believe it was 1982 and, as a result, we  
25 lost, I don't know, anywhere from six to 10 jobs.

1                   He started again just recently in, I  
2     believe it was 1989, and we helped him with -- get a  
3     job, some money from the Canada Employment Centre and  
4     he had - what was it - eight people from Couchiching  
5     employed for about four or five months and then he just  
6     couldn't maintain his operations and he's kind of  
7     struggling right now.

8                   He's got a logging operation where he  
9     sells to Manitou and he also brings wood to his own  
10    mill but, like, he's got to pay for the Hydro and  
11    things like that, and he just doesn't have the money I  
12    guess.

13                  Q. Before I forget, I think I will now  
14    return to the question of the number of residents  
15    working in the woodlands operation and mills. I will  
16    do that because you have just told us about this recent  
17    saw mill operation.

18                  As far as you know, about how many  
19    reserve residents actually work in woodlands operations  
20    as cutters, say, in the last 12 months?

21                  A. For Boise?

22                  Q. For anyone.

23                  A. I know of three.

24                  Q. It says in here in the witness  
25    statement "between five and ten". So, do I understand

1 you to be saying that you think that may be a little on  
2 the high side?

3 A. As cutters?

4 Q. Yes.

5 A. No, I only know of three.

6 Q. Okay.

7 Now what about employees of the mills,  
8 that is, at Fort Frances and across the river at  
9 International Falls? It says here "four or five". Any  
10 idea what the current or correct number would be?

11 A. I know of one that's working for  
12 Boise in the mill and one that's I believe she's a  
13 secretary/receptionist with Boise who had just gotten a  
14 job last year.

15 Q. So when it says "four or five" here,  
16 are you now saying that your information would be that  
17 that may be a little high, four or five may be high,  
18 maybe it's two?

19 A. Well, like I said, I don't know about  
20 the offers our band members -- but I don't think that  
21 there is a -- maybe at one time there were a number of  
22 people working for Boise, but there is no four or five  
23 people working at Boise now from our band.

24 Q. Let's just go on with what is  
25 mentioned in that paragraph I have been looking at,

1 "some part-time income from tree planting". Do your  
2 band members work part time or at least some of them  
3 doing tree planting?

4 A. I had been recently talking to  
5 somebody from the Union Forestry Development Program,  
6 and we talked about this. And I remember it must have  
7 been ten or fifteen years ago, because the trees are  
8 fairly big now, there was some tree planting in the  
9 area near Frog Creek.

10 It wasn't a very large area but there  
11 were some tree planting jobs there, and I know of  
12 another one that was up the highway - this was also ten  
13 years ago at least - where there were a number of  
14 people from our community -- I believe they might have  
15 had a contract, I am not really sure because I don't  
16 know what the details were, but they were up that area  
17 cutting or -- sorry, tree planting about ten years ago  
18 and there were quite a few from Couchiching tree  
19 planting at that time. But in the last, since then, I  
20 can't really remember anybody tree planting. But of  
21 course I have been away for six of the last ten years  
22 so I really wouldn't know.

23 Q. What about fire fighting? What is  
24 the situation with fire fighting?

25 A. At one time we had, I don't know,



1 probably ten people working as fire fighters regularly  
2 throughout the summer with the Ministry of Natural  
3 Resources, and now I think that we have one person  
4 working for the Ministry of Natural Resources in fire  
5 fighting, and I don't know if he is a trainer or what  
6 he does. I think he is still working there. He is an  
7 older gentlemen, probably around 50, 55 years old. But  
8 at one time MNR was a large employer for our community  
9 in fire fighting, but that no longer exists.

10 Now I don't know if it is the hiring  
11 practices that the Ministry of Natural Resources has  
12 instituted, you know, or, you know, the training  
13 requirements that they have developed that have  
14 hindered our band members from getting jobs there.

15 Q. You mentioned the gentleman who is  
16 employed by MNR possibly training fire fighters. Is  
17 that the person you had in mind when you confirmed that  
18 there is one reserve resident working for MNR?

19 A. Yes, it is.

20 Q. Sir, you said that you were away from  
21 the community for six of the last ten years. Have you  
22 been there for at least the last twelve months?

23 A. I have been there for the last four  
24 years.

25 Q. The last four years, okay. So if

1       there was a gap in your information, it is not very  
2       recent?

3                   A. No, I, like I still was basically  
4       informed of what was happening in the community, but...  
5       There are probably many developments that have gone on  
6       that I am not aware of.

7                   Q. Now I would like to get just a little  
8       bit more information about the relationship of the  
9       community with renewable resources in the -- not just  
10      on the reserve, but in the general territory, things  
11      like fishing, trapping, wild rice, and that.

12                  So if I could just begin with the  
13      fishing. Is fishing a factor economically for your  
14      community?

15                  A. Fishing is a fairly regular part of  
16      our diet. I know myself I go out sometimes three times  
17      a week to get fish. Like I eat fish regularly and I  
18      know that like I went fishing with my cousin and he  
19      gave his catch to a friend because he says, "Well, you  
20      know, I can eat fish every day." And there are many of  
21      our community residents who rely on fish to sustain  
22      their livelihood. Some of these people are on welfare  
23      and they can't afford prices like at Safeway, so they  
24      have to rely on fish as well as like deer and birds,  
25      wild rice, and things of that nature.

1                   Q. What about trapping? Do many of your  
2 reserve residents participate actively as trappers.

3                   A. Not anymore. I know that, I believe  
4 there are four people that are in the trapping industry  
5 now. I know that at one time that was also a source of  
6 food, probably fifteen or twenty years ago, was one of  
7 the primary sources of food was like the beaver and  
8 muskrat and, you know, small game animals.

9                   Q. What has caused the change in the  
10 last 20 years if you know?

11                  A. From...?

12                  Q. From the days when there was a fair  
13 amount of meat from the traplines that was eaten, to  
14 today. I guess you are saying that there is not nearly  
15 as much as that anymore. So my question is what would  
16 you say caused the change?

17                  A. I think like because some of the  
18 services that we have had to provide to our community,  
19 like the Hydro and like there is cable TV, and there is  
20 water and sewer. And like we have got some housing  
21 programs where they have to pay rents or pay for their  
22 whatever housing has gone on. And like this requires  
23 money, and so the people have to go out and get jobs  
24 now instead of like, you know, going out and hunting.

25                  Like, I think that the native people

1 considered that work at one time and now they have had  
2 to develop this other definition of work where they  
3 have to go from eight to five or whatever, whatever  
4 time period in order to get that money in order to pay  
5 for those bills that are required to live now. And,  
6 you know, they purchase food from Safeway now rather  
7 than having to go out in the bush and get their own  
8 food.

9 Q. What would be the main types of jobs  
10 that the on-reserve residents have, that is, the cash  
11 income employment earning type of jobs?

12 A. Well, a lot of people are employed of  
13 course at the band in the administration and the  
14 operations. We have confectionary store and gas bar  
15 which employs, you know, some full-time, some part-time  
16 people, I think about ten or something like that; we  
17 have a bus operation, I think that employs three  
18 people; a craft store that employs another couple of  
19 people; we have a marina and engine room repair, like  
20 these are one-person operations; and we have a number  
21 of micro enterprises that are used to supplement other  
22 people's income.

23 But a lot of the people are employed in  
24 some saw mills. Like Nickel Lake Lumber employs three  
25 of our band members. We have got some working for



1 small businessmen in Fort Frances.

2 A lot of them are employed in the native  
3 service sector like Wishiniwan (phoen.). There is a  
4 group home located in our community that I believe  
5 employs five or six people. So, a lot of it is  
6 service.

7 Q. What is the unemployment situation on  
8 the reserve. Is it good or bad or do you have any  
9 general, a guess, approximations?

10 A. We did an assessment of our social  
11 service situation in order to get a band job developer  
12 for our community because we felt that there were a lot  
13 of people on welfare. And there was, was it I believe  
14 20 per cent of our people were on welfare. And I  
15 believe from a survey that we did, another 20 per cent  
16 of our population was on unemployment or unemployed or  
17 unemployment insurance, so there was about 40 per cent  
18 of our people were unemployed.

19 Q. We talked a few minutes ago about the  
20 fact that members of your community continue to gain  
21 some benefits from things like fishing and wild rice  
22 and so on, although it has declined. What I want to  
23 ask you about is have there been any impacts on those  
24 non-renewable resources off-reserve connected with  
25 forestry? And when I say forestry, I mean in its

1 widest sense, including cutting, building of roads,  
2 pulp mills, saw mill, and even dams. Any effects on  
3 fishing, trapping, wild rice, or hunting?

4 A. Well, I had a case last year where we  
5 were hunting and we were driving through the bush and  
6 all of a sudden we walked into this big huge cut where  
7 there was, you know, like roads all over the place,  
8 there were trees cut out, and we were wondering to  
9 ourselves like, "What's this?" So we just started  
10 walking on the logging roads to get out of the bush.

11 But, I imagine that there, you know, so  
12 like this thing is going on in other areas where there  
13 are people hunting, and you know, it is just one  
14 example that I ran across where it affected our  
15 hunting.

16 Q. There is mention in the witness  
17 statement of logging roads creating problems by  
18 providing too much public access to hunting and fishing  
19 areas, especially to traplines. Do you know anything  
20 about that? Do you care to say anything about that?

21 A. No, I am not even aware of any  
22 problems with trapping, but like I said, there was four  
23 people that I knew of that were involved in trapping.  
24 I know for myself like it gives me access to some other  
25 fishing areas besides Rainy Lake. Like, I have been

1 into Willard Lake and Koagla Lake (phoen.) and all  
2 these other places. But other than that, no. But  
3 that's also because I have never used those areas.

4 Q. Are there any Indian control forestry  
5 operations based on your reserve?

6 A. Yes, we have one. There are three  
7 people, three brothers.

8 Q. Tell us just briefly about that  
9 operation.

10 A. Well, they were working for somebody  
11 else. I don't know if he had a district cutting  
12 licence. But anyway he was working for somebody else,  
13 and he approached the band about cutting on-reserve and  
14 so he managed to get a contract with Boise and he  
15 proceeded to cut.

16 And he I believe met his limit or quota  
17 or whatever, his contract with Boise anyway, and then  
18 the following contract he got quite a bit more. I know  
19 that he had been getting a rating of around 81 or 82,  
20 something like. I believe that the highest rating is  
21 85.

22 And like one of the reasons his rating  
23 went down was because the guy was delivering the wood  
24 into Boise was cutting them into 8-foot lengths. I  
25 think a couple of them were short or something like

1       that when they were measured at Boise and this was why  
2       his rating dropped.

3                   MADAM CHAIR:   Excuse me, Mr. Morrisseau.  
4       What is a rating?

5                   THE WITNESS:   I believe that is something  
6       that Boise gives you on the quality of the contract  
7       that is being provided.

8                   MADAM CHAIR:   On the quality of the wood  
9       that --

10                  THE WITNESS:   And the cut.   Like the  
11       entire operation I believe is what it is.

12                  So anyway he got a fairly high rating,  
13       and one of the reasons that he got the lower rating was  
14       because somebody else was doing the work for him.  And  
15       anyway he got a higher contract the second year but I  
16       think that might have been because Boise was  
17       stockpiling at that time because there was a threat of  
18       a strike.

19                  Anyway, the third contract that he got  
20       was about one-third less than the original contract he  
21       had gotten or -- sorry, the second contract that he had  
22       gotten, probably because Boise had stockpiled and they  
23       didn't require the wood or maybe it was like the season  
24       that they had enough wood at that time.  Anyway, like I  
25       don't know what Boise is thinking.



1                   Anyway, like the reason that we consented  
2     to let him come in was because like we wanted to  
3     establish him with Boise so that he could get limits  
4     off our land and like I wrote this up in the minutes of  
5     one of our meeting also was that Boise, we want like  
6     these cutters to establish themselves with Boise  
7     Cascade so that they can get cutting limits off our  
8     reserve. Like we only have so much resources and we  
9     don't know how long we can sustain that amount of  
10    cutting on our reserve.

11                   And like we only have like so much  
12    resources that like Boise wants. Like, they don't take  
13    birch and stuff like that. So that's one of the things  
14    that we were hoping to do, was to establish him outside  
15    of the band boundaries for cutting. And like to this  
16    point we haven't been able to do that. Of course we  
17    have only had three-quarters of cutting with Boise by  
18    this community operation.

19                   MR. COLBORNE: Q. Is there any plan or  
20    prospect of there being a bigger, larger Indian-  
21    controlled forestry operation in the future?

22                   A. I had talked to this fellow. I know  
23    that we gave him a loan to purchase another skidder  
24    when he had this second contract that I was talking  
25    about. He required a second skidder, so we loaned him

1       about \$9,000 in order to purchase this skidder. So  
2       anyway he has that. So he is expanding his operation.  
3               Now, like I said, like we don't know how  
4       long we are going to be able to sustain him with the  
5       resources that we have in our own community. We know,  
6       you know, it could be five years, it could be ten  
7       years, it could be twenty years. We don't have the  
8       expertise to be able to assess how long we can sustain  
9       the cutting at the rate it is going right now.

10              Q. You may not be able to answer this,  
11       but as economic development officer you might have this  
12       information. What would you say is the main obstacle  
13       or what would be the main obstacles to a much expanded  
14       forestry operation by the band or by band members off  
15       the reserve?

16              A. Can I just go back a little bit?

17              Q. Sure.

18              A. We have recently had another  
19       community member approach me about cutting on reserve.  
20       He had been cutting at one time, but he went out on  
21       disability and Workmen's Compensation now. He was a  
22       cutter at one time and he is hoping to get clearance  
23       from Workmen's Compensation in order to start cutting  
24       again. And we also have two residents in our community  
25       that have skidders or logging operations. Actually

1       there is three, but one of them isn't using the skidder  
2       for logging operations. He has just got it parked at  
3       his house right now, and I don't know what the reason  
4       like for that is.

5                   But anyway -- actually, I think I do know  
6       what the reason for that is. But these other two are  
7       not members of our band. They are married to people,  
8       like members of our bands, and they are looking for the  
9       right to cut on our land, but we haven't provided them  
10      with access to those resources because we don't know if  
11      like we can sustain cutting for a very long period of  
12      time for own community members. And like I said, we  
13      are hoping that this relationship with Adams is only  
14      going to last for two or three years and hopefully he  
15      will have established himself with Boise in order to  
16      like leave the resources for somebody else to establish  
17      themselves.

18                   Q. What about off-reserve though? If  
19      the Couchiching Band or any member or members of it had  
20      it in mind to start a major off-reserve forestry  
21      operation, what would stand in their way as far as you  
22      know? What would be the big obstacles they would have  
23      to think about?

24                   A. Well, I think that they would have to  
25      pay somebody to haul the wood out. And I think also

1 competing against like fellow bunchers, like those  
2 operations can knock down a forest faster than somebody  
3 who goes out there with a power saw and has to skid it.

4 I know that there is like that commitment  
5 is there in those community members that are  
6 undertaking logging operation in our community right  
7 now. That commitment to be a viable business is there.  
8 But I just don't think that they are given an  
9 opportunity. Maybe because they don't have the  
10 equipment that is required in order to compete.

11 Q. Would you say that Couchiching has a  
12 good relationship with MNR or a bad relationship or no  
13 relationship or whatever. How would you put it from  
14 your experience?

15 A. I think that sometimes it's pretty  
16 good. I know like our student program, there are the  
17 host organizations through the Environmental Youth  
18 Corps. But I think it was like - I don't know what the  
19 word is - but anyway they sent us a letter saying that  
20 "Thank you for your participation in the forest  
21 management plan." Well, we were not even aware that we  
22 had participated in this forest management plan.

23 But, I remember last year that I went to  
24 this - I don't know - it was a presentation I guess is  
25 what you would call it over at Casey Hall, and I don't



1 know if I signed a guest book or what, but anyway they  
2 said that we had participated in this forest management  
3 plan, but we are not aware of what the nature of our  
4 participation was.

5 MR. COLBORNE: Those are my questions,  
6 Thank you very much, Mr. Morrisseau. I think there will  
7 be some questions.

8 MADAM CHAIR: Mr. Cassidy?

9 MR. CASSIDY: Thank you, Madam Chair.

10 CROSS-EXAMINATION BY MR. CASSIDY:

11 Q. The witness statement refers to an  
12 on-reserve population of approximately 13- to 1,400  
13 people.

14 MR. COLBORNE: I meant to return to that  
15 and I forgot, Mr. Cassidy. Go ahead.

16 MR. CASSIDY: No, you go ahead.

17 MR. COLBORNE: No, it's okay. I had  
18 referred in examination-in-chief to the fact that that  
19 seems to be an error of some kind.

20 MR. CASSIDY: If he wants to correct it  
21 now...

22 MR. COLBORNE: If Mr. Cassidy wants to --

23 MR. CASSIDY: Okay.

24 FURTHER DIRECT EXAMINATION BY MR. COLBORNE:

25 Q. Sir, when you looked at the witness

1 statement you told me that you thought the on-reserve  
2 population figure was too high; is that correct?

3 A. Yes.

4 Q. Now, there has been other evidence  
5 here about the problems of getting accurate population  
6 figures. What do you think the on-reserve Couchiching  
7 population is right now?

8 A. I would say our on-reserve population  
9 is approximately 550 people.

10 Q. Do you have any idea why Statistics  
11 Canada would have this number?

12 A. They probably got that from the  
13 Department of Indian Affairs, that is probably our  
14 total membership. Because of the implementation of  
15 Bill C-31 our on-reserve population is down because of  
16 our resources available for housing. There is a great  
17 demand for housing, we have 16 applications on file in  
18 our community for housing.

19 MR. COLBORNE: Thank you.

20 CROSS-EXAMINATION BY MR. CASSIDY:

21 Q. Okay. So if the total population of  
22 your Band is between 1,300 and 1,400 and the on-reserve  
23 population is 550, you would agree with me that well  
24 over and more than half of your Band's population lives  
25 off the reserve?

1                   A. Yes, they live in areas like Alberta,  
2 all over Ontario, United States.

3                   Q. And do you have any idea of where  
4 those members are employed?

5                   A. Well, I wouldn't say that they were  
6 employed with Boise Cascade.

7                   Q. Do you have any idea if they are  
8 employed in the forest industry at all? Do you keep  
9 records on those off-reserve members?

10                  A. No, I don't.

11                  Q. So you have no idea where they're  
12 employed then?

13                  A. No, I don't know where everybody's  
14 employed, no.

15                  Q. You mentioned the reference to some  
16 of the obstacles which Mr. Colborne was asking you  
17 about, competing -- the Band members competing against  
18 feller-bunchers. I take it the Band, or any Band  
19 members are not in possession of feller-bunchers?

20                  A. No.

21                  Q. Do you have any information that  
22 would -- or do you know that a feller-buncher sometimes  
23 costs in the hundreds of thousands of dollars to  
24 purchase?

25                  A. Yes, I do.

1                   Q. And is that one factor, just the high  
2 cost of equipment makes it difficult to compete?

3                   A. No. Like I said, that there was  
4 also, like, hauling problems, that they don't have pulp  
5 trucks, et cetera.

6                   Q. To be fair to you, you mentioned  
7 that, but what I'm asking about is the other factor you  
8 mentioned about that your Band finds itself competing  
9 against things like feller-bunchers, and I'm asking yo  
10 if one of the reasons you're in a disadvantage is  
11 because you're competing against very expensive  
12 machines?

13                  A. No, I don't think that there is that  
14 many operations that use feller-bunchers. Now, I don't  
15 know if it's --

16                  Q. So you're not competing against them?

17                  A. Well, see, like, there is this other  
18 thing, okay, that they have to be established within  
19 the industry to be, like, have a higher priority for  
20 getting cutting limits, okay.

21                  So, like, they're a relatively new  
22 operation, so they have to establish themselves and  
23 that is one of the reasons.

24                  Like I said, we are hoping that in two or  
25 three years they will have established themselves with



1 Boise Cascade.

2 MR. CASSIDY: Those are my questions

3 Madam Chair. Thank you.

4 MADAM CHAIR: Thank you, Mr. Cassidy

5 Ms. Gillespie?

6 CROSS-EXAMINATION BY MS. GILLESPIE:

7 Q. My name is Nora Gillespie, I'm  
8 solicitor for the Ministry of the Environment on this  
9 hearing.

10 I just had a couple of questions about  
11 the meeting that you said you attended and then you  
12 received a letter thanking you for participating in a  
13 timber management plan.

14 A. Yes.

15 Q. Can you tell me how you happened to  
16 go to that meeting; did you receive a letter or some  
17 kind of notice that it was happening?

18 A. I know that was advertised in the  
19 paper, but I don't recall the letter inviting me to go  
20 there, no.

21 Q. As far as you recall, did you go in  
22 response to the ad in the newspaper?

23 A. All I know is that I had talked to the  
24 Band manager and I told him that I was going to this  
25 presentation that the Ministry had on this forest

1 management plan at Knights of Columbus Hall.

2 Q. Were you going as a representative of  
3 the Band or was this a personal interest?

4 A. No, I guess I was going as a  
5 representative of the Band, I would have no reason to  
6 go otherwise.

7 Q. And can you just describe a little  
8 bit about the meeting when you got there?

9 A. Well, they had maps on the wall  
10 showing the cutting areas, the proposed cutting areas.  
11 I think there was probably some access, what do you  
12 call them, like, corridors.

13 I'm not sure that they had anything  
14 about -- I don't remember them having anything about,  
15 like, logging operations, like, equipment itself, there  
16 was nothing like that, but I know they had all these  
17 maps of, like, areas but, you know, basically that was  
18 it.

19 And I was walking around looking at them  
20 and like, nobody, you know, really gave me an in-depth  
21 explanation about what was going on.

22 There was one gentleman over here that I  
23 had talked to, Harry Jennings and, like, he took the  
24 time to explain some of the things that were going on  
25 about, you know, their plans for cutting and et cetera.

1                   Q. Did you have any particular concerns  
2 about the cutting that you wanted to express at the  
3 open house?

4                   A. It had never really -- like, I never  
5 really had any concerns because there was really -- I  
6 don't think there was any logging operations or forest  
7 cutting going on at Couchiching at that time.

8                   Like I said, we've only had three cords  
9 of cutting with Boise and this is even in three years  
10 since I've been the economic development officer with  
11 Couchiching, they haven't -- like, this is the first  
12 time that there's been any cutting.

13                   Actually there was one when we opened the  
14 subdivision but, anyway, I had no reason -- like, at  
15 that time to really be concerned about forestry  
16 development, it was only when these community members  
17 came to us and we saw the opportunity of developing a  
18 logging operation and generating some revenue for our  
19 community that we became interested in the forest  
20 industry.

21                   But up to that point, there's probably  
22 within the last year and then, you know, these letters  
23 started coming in, we were wondering, you know, like,  
24 what our participation was, like we didn't really see  
25 it as participation.

1                   Q. You just saw it as where you attended  
2 and received some information; is that --

3                   A. I was there just to find out what was  
4 going on.

5                   Q. Was there any further participation  
6 that you would have liked to have that you had in mind?

7                   A. Well, I think that, you know, if I  
8 could have said something about getting access to our  
9 community members in - I think it's called lottery,  
10 you know - like, because our community -- I don't know  
11 that they, you know, have established any sort of  
12 priority in getting these cuts.

13                  Like, after -- I think it's, like, after  
14 Boise goes in and gets all their wood that they need in  
15 there then, like, the cutters will come in and get the  
16 rest, like, for sawlogs and, you know, things like  
17 that.

18                  Q. Have you got any suggestions about  
19 improving the process to obtaining consultation and  
20 information from the Band in the timber plan?

21                  A. Well, like, when the MInistry of  
22 Natural Resources, like, puts the ad in the paper it  
23 seems to me that it's just, you know, come to this  
24 forest management plan, but it doesn't really explain,  
25 like, what is all Involved.



1                   Like myself, I am learning a little bit  
2                   more about the forest industry but, like, for the  
3                   average person that is affected by this forest  
4                   management plan, he doesn't realize how he's going to  
5                   be affected by this forest management plan and it seems  
6                   to me, like, the Ministry of Natural Resources doesn't  
7                   inform them how they're going to be affected.

8                   MS. GILLESPIE: Those are all my  
9                   questions.

10                  MADAM CHAIR: Thank you, Ms. Gillespie.

11                  MADAM CHAIR: Mr. Morrisseau, when you  
12                  referred to lottery, are you talking about cutting  
13                  areas or cutting licences that are put up for tender?

14                  THE WITNESS: I'm sorry. I'm not aware  
15                  of any of those types of arrangements where they're put  
16                  up for tender. Maybe that is what it's called, I don't  
17                  know.

18                  MADAM CHAIR: When you referred to  
19                  lottery --

20                  THE WITNESS: Well, I know that I have  
21                  talked to a number of people in the forest industry and  
22                  they say that there's -- they call it a draw, that's  
23                  what it's called, but I have heard it being called a  
24                  lottery or something, something like that.

25                  MR. COLBORNE: Madam Chair, in this area

1       there are such things. I'm not in a position to tell  
2       you more about it, but that is what is done here.

3               MADAM CHAIR: Yes. The only written  
4       evidence we have on that is through the OMAA, the  
5       Ontario Metis and Aboriginal Association, in their  
6       witness statements they have referred to this practice  
7       around the Dryden area.

8               MR. COLBORNE: Yes, and it's not part of  
9       our evidence. I wasn't sure, although I was aware of  
10      it, that it was relevant to the issues that we wish to  
11      bring forward, but it certainly is something that does  
12      happen in this area.

13              MADAM CHAIR: Thank you, Mr. Colborne.

14              Mr. Freidin?

15      CROSS-EXAMINATION BY MR. FREIDIN:

16              Q. Mr. Morrisseau, when you went to that  
17      meeting about the forest management plan, you mentioned  
18      that Harry Jennings took the time to explain things to  
19      you?

20              A. Some, yeah.

21              Q. And Mr. Jennings is an employee with  
22      the Ministry of Natural Resources?

23              A. Yes, mm-hmm.

24              Q. It's my understanding that Mr.  
25      Jennings approached you and asked whether in fact he

1 could be of assistance or explain anything to you?

2 A. Well, that's entirely possible.

3 Q. And...

4 A. I had also went up to the Ministry of  
5 Natural Resources and I couldn't remember Mr. Jennings  
6 last name but I knew his name was Harry because that's  
7 also my name and I knew that he worked in forestry and  
8 I talked to him.

9 And, like, the reason that I went to the  
10 Ministry of Natural Resources was to get this forest  
11 management plan that says here's a document, but he had  
12 information, like, on scarification, reforestation and  
13 things of that nature.

14 Q. I understand that he also explained  
15 to you what was planned in terms of roads and where the  
16 harvest blocks were going to be and that sort of thing?

17 A. Yeah. But, like I said, I was not  
18 too -- like, my understanding of the forest industry  
19 was practically nil up until the time that I had gotten  
20 involved with these community members.

21 Actually it was an off-reserve member  
22 first and then these community members that were  
23 selling forest resources to Boise Cascade and that's  
24 when I started developing somewhat of an understanding.  
25 But I've also been employed in sawmills and -- like,

1       when I was much younger.

2                   Q.   Right.  When you were describing the  
3       relationship between the Band and the Ministry of  
4       Natural Resources as pretty good, you referred to the  
5       Environmental Youth Corps.

6                   Could you explain to the Board what your  
7       understanding is of that program?

8                   A.   Well, like, it's like a protection  
9       and appreciation of our natural environment, but we're  
10      using it for, like, to cut this nature trail on this  
11      point along Stanjikoming Bay so that we would have  
12      access to all areas of Stanjikoming.

13                  Q.   And are you doing that as a result of  
14      monies being given to the Band through that program?

15                  A.   Mostly, yes.

16                  Q.   Are there any other --

17                  A.   Well, we provide, like, some monies  
18      ourselves but it's basically minimal.  We put up all  
19      the money up front and then we get reimbursed for, I  
20      would say, the majority of it.

21                  Q.   Are there any other programs that you  
22      are aware of that your Band has had in relation to the  
23      Environmental Youth Corps?

24                  A.   Sorry.

25                  Q.   Any other projects other than this



1 one trail that you can think of offhand?

2 A. No, but they had approached us about  
3 this campground that we have at Frog Creek but it's,  
4 like, it's along the creek and we don't -- like, like  
5 it says in the statement here, how good the water is in  
6 that area.

7 Like, there was some, what you call it -  
8 what's the word - like, when you're not really sure  
9 that the creek is contaminated, I guess it's rumored  
10 that it is. We don't know that for sure.

11 Q. You said that they approached you.  
12 When you say they, is that the Ministry of Natural  
13 Resources?

14 A. Well, I had taken them through their  
15 and showed them, you know, the area that we were  
16 talking about and they did ask me to put in, like, a  
17 submission again--

18 Q. Okay.

19 A. --for two projects and so I did and  
20 then it was refused at that time, but they told me to  
21 put it in again in September, but I'm not sure that I  
22 want to because I'm also using this project to teach  
23 kids not only, like, about, like, the protection and  
24 appreciation aspects, we are mostly using it as an  
25 opportunity to teach these kids about responsibility,

1       about getting jobs on their own, you know, so I'm using  
2       it for other things also.

3                   Q.   You mentioned during your evidence  
4       about not knowing the rate at which you could sustain  
5       the present level of harvest on the reserve.

6                   Have you raised that subject with the  
7       Indian Forestry Development Program, have you asked  
8       them for their assistance in that regard?

9                   A.   We are having a meeting with the  
10      Indian Forestry Development Program on Friday.  I had  
11      been talking to the Indian Forestry Development for the  
12      last -- like, they were here a few times about the  
13      release and thinning project that had gone on a number  
14      of years ago and, like I said, these trees are getting  
15      fairly high.

16                  But anyway, I had talked to them and told  
17      them that we had been cutting.  They did a forest  
18      management update and they weren't aware that we had  
19      done any cutting, though we were not aware that we had  
20      to inform the Indian Forestry Development that we were  
21      cutting.

22                  So anyway, in order to be eligible for  
23      reforestation we had to inform Indian Forestry  
24      Development and they would -- they would come down,  
25      which they're going to do on Friday, but they had --

1       like, up to this point they had been doing some tree  
2       planting or something and they weren't able to come  
3       down, so they were going to call me but I called them  
4       and now they're coming down here Friday.

5               And we're going to be talking about the  
6       cutting operation that is going on and hopefully we  
7       will be able to come up with some sort of plan of  
8       action for reforestation.

9               Q.   And the area that you referred to  
10      where you say they didn't know you were cutting, is  
11      that the area near Frog Creek that you referred to in  
12      your evidence?

13              A.   Yes, it's north of Frog Creek, it's  
14      accessed by the Frog Creek Road, the municipal -- I  
15      believe it's the municipal airport in Fort Frances,  
16      just over here.

17              Q.   Okay.  What I'm really interested in,  
18      Mr. Morrisseau, when you mentioned that cut near Frog  
19      Creek, I think you said it took place about 10 or 15  
20      years ago, and you said the trees are pretty big now?

21              A.   No.  Oh, sorry.  This area is -- can  
22      I show you -- I don't know if you want to see it.

23              Q.   Well, let's make sure we're talking  
24      about the same area?

25              A.   No.

1                   Q. The area that I'm interested in is  
2 the one that you mentioned, you said there had been  
3 some cutting near Frog Creek about 10 or 15 years ago,  
4 and you said the trees are pretty big now.

5                   A. No, this -- no.

6                   Q. Where were you referring to when you  
7 said the trees are pretty big now?

8                   A. Okay. This is through a community.  
9 The Frog Creek Road in the community at the end of --  
10 right at the the mouth of Frog Creek, there was some  
11 tree planting that had gone on there about 10 or 15  
12 years ago, there is spruce and jack pine, two areas,  
13 and there's a third area down near the Frog Creek  
14 subdivision there where there was, I believe, spruce  
15 that has grown on there. They had done some thinning  
16 to remove the competition and the trees are fairly big  
17 now.

18                  Q. What do you mean by --

19                  A. Spruce, but it's not a huge area that  
20 we're talking about.

21                  Q. All right. Well, then first of all,  
22 what's the area you're talking about, just  
23 approximately?

24                  A. Approximately about 15 acres, I  
25 believe.



1 Q. Okay. And how tall are the trees.

2 You say they're big, now what does that mean?

3 A. Well, I would say they're 30 feet.

4 Maybe more, maybe 35, 40. I don't know. I don't know.

5 Q. Do you know whether that area was  
6 clearcut--

7 A. Well, I know that --

8 Q. --before --

9 A. That there were a number of farms in  
10 that area and, I don't know how long ago that was, but  
11 there were many farms in that area, like, the entire  
12 area was used for farming.

13 Q. Are you saying the areas that we're  
14 talking about were areas that were farmland then?

15 A. Yeah, where they planted trees, yeah.

16 Q. All right.

17 A. I believe that's what it was, it was  
18 farmland.

19 Q. And my last series of questions is in  
20 relation to your evidence regarding the J. Matthew  
21 Mill.

22 A. Yes.

23 Q. Did you say that there were --

24 A. What I said was that it was purely  
25 speculation on my part.

1 Q. All right. But you indicated that  
2 there were people from the Couchiching Band at one time  
3 working at the mill.

4 A. Yes.

5 Q. And are you able to advise what  
6 percentage of the employees were Native people?

7 A. No, but there were, like, some  
8 non-Native people.

9 Q. I got the impression from your  
10 evidence that most of the people who were working at  
11 that mill were Native people; is that correct?

12 A. Not all of them.

13 Q. No, no. I got impression that most  
14 of them were. I may have misunderstood you.

15 A. What I said was that there were many  
16 people from our community employed at J. Matthew Mill.

17 Q. And the mill closed down?

18 A. Yes. I don't know the exact date.

19 MR. FREIDIN: Those are my questions.

20 MADAM CHAIR: Thank you, Mr. Freidin.

21 Mr. Morrisseau, one question about the  
22 statement in your evidence -- or the evidence you're  
23 addressing about your reserve is made up of a  
24 population of Metis.

25 Is that a common situation in the the

1 Treaty 3 area, or you're saying that originally when  
2 you signed the Treaty it was a...

3 THE WITNESS: Well, that was one of the  
4 things that I was going to address in there also.  
5 Like, I'm not really sure that I know what the entire  
6 situation is at Couchiching.

7 Like, I believe my great grandfather was  
8 from Fort Alexander and I don't know really how we got  
9 to Couchiching ourselves, but I know that there was  
10 some sort of adhesion to Treaty 3 for half breeds and  
11 that is when Couchiching, like, the people of  
12 Couchiching were there, like, how they got there.

13 MADAM CHAIR: I just wanted a  
14 clarification. We have heard some evidence about how  
15 people are given status under the Indian Act, and I  
16 wondered if it was a common situation that Metis people  
17 who actually signed the Treaty and were given that kind  
18 of recognition, it's a confused picture in my mind, but  
19 I'm sure we'll be hearing more evidence on that in the  
20 case of all those Treaty 3s areas.

21 THE WITNESS: Well, what I can understand  
22 is that these were the people that facilitated the  
23 Treaty, they understood, like, the language of the  
24 non-Native people, they also understood the language of  
25 the Native people, but I don't know, myself, I'm not a

1       historian.

2                   MADAM CHAIR: Thank you.

3                   Mr. Colborne?

4                   MR. COLBORNE: I think what you may be  
5       hearing is that 1873, the date of the Treaty, that my  
6       client's ancestors signed was only three years after  
7       the Riel government and at that time the Canadian  
8       government was still afraid of the Metis - well, maybe  
9       they are still today, I'm not sure - but they certainly  
10      were back then and could not marginalize them as a  
11      community and so had to respond to their -- to the  
12      reality of their presence in the territory, and that is  
13      why, for a few years following the Riel government,  
14      there was the opportunity offered to Metis to join  
15      Treaty and also in the Prairies, this was the era when  
16      the Metis script was given out and so on and so forth.

17                   And, of course, later when the Metis  
18      population was less politically powerful, that's when  
19      you find the disappearance of the opportunity offered  
20      to Metis to join treaties and so forth.

21                   But I mention that just because I think  
22      it is quite important, the year of Treaty that we're  
23      referring to, and that is very shortly after the Metis  
24      Riel government.

25                   MADAM CHAIR: Did you wish to re-examine,



1 Mr. Colborne?

2 MR. COLBORNE: No re-examination, thank  
3 you.

4 MADAM CHAIR: All right. Thank you very  
5 much, Mr. Morrisseau. We appreciate you coming here  
6 today.

7 THE WITNESS: fine.

8 MADAM CHAIR: Thank you. Did you want to  
9 take a break, did you say, between witnesses, Mr.  
10 Colborne?

11 MR. COLBORNE: Chief Janice Henderson  
12 from the Stanjikoming Band is here and I think she  
13 wanted to be called now as she has other obligations,  
14 so I would like to do that, if I can.

15 Chief Henderson.

16 Excuse me, Chief Henderson, if you could  
17 approach the chair to either swear an oath or--

18 THE WITNESS: Okay.

19 MADAM CHAIR: Or be affirmed.

20 MR. COLBORNE: --give affirmation.

21 MADAM CHAIR: Good afternoon, Chief  
22 Henderson.

23 CHIEF JANICE HENDERSON, Sworn

24 MADAM CHAIR: Please sit down.

25

1        DIRECT EXAMINATION BY MR. COLBORNE:

2                    Q. Chief Henderson, I understand you're  
3 here on short notice as are our other witnesses today?

4                    A. Yes.

5                    Q. I also understand that most of your  
6 fellow Chiefs are in Brantford today?

7                    A. Mm-hmm.

8                    Q. But you were able to make it and I  
9 thank you for being able to come. I see that you are  
10 accompanied by someone; did you wish to introduce that  
11 person?

12                   A. Yeah, this is Stacie Debungy, he's  
13 not from our community but he's just along for the  
14 week.

15                   Q. That's fine. Did you have an  
16 opportunity just before we started to look through the  
17 brief outline of information concerning your community  
18 that appears at pages 33 and 34 of the witness  
19 statement?

20                   A. Yes, I did.

21                   Q. Did you note any important errors  
22 that we should be aware of?

23                   A. No, I think everything looks fine  
24 that's presented in this.

25                   Q. And in terms of forestry, did you

1 notice any omissions, is there anything significant in  
2 terms of Stanjikoming and forestry that is simply not  
3 mentioned in here that should be?

4 A. I guess what I could add to that is  
5 we are currently working on identifying our traditional  
6 land use area at Stanjikoming and we're just in the  
7 process of right now hiring a consultant to assist in  
8 the design phase and we estimate that this process will  
9 take about a year to complete and we have, you know,  
10 had contact with the local Ministry office and made  
11 them aware of our intentions.

12 We have a preliminary idea of where our  
13 traditional land use area would be and we have asked  
14 them to not issue any DCLs within the forestry  
15 management plan that was just approved of April -- in  
16 April 1991.

17 And I believe because of your community  
18 road access, which has just been approved since last  
19 fall - we're working on upgrading the 26 kilometres  
20 into our community up to MTO standards right now - and  
21 we feel that by next year we'll have something like a  
22 roads board in place or we'll have some more work to  
23 pursue our logging project, forestry.

24 Q. Okay. Could you show us on the photo  
25 mosaic, which is beside the witness table, where your

1 community is located. It may take you a moment.

2 A. I know, I hate maps.

3 Q. Could you just approach it. It's  
4 already been pointed out that the towns are marked in  
5 yellow, and so you can probably see Fort Frances there,  
6 and Rainy Lake is next to the town. So does that help  
7 you?

8 A. Yeah.

9 Q. Could you show us where the main  
10 reserve community is?

11 A. Okay. Right here.

12 Q. Just when you talked about the  
13 traditional territory, where would it be?

14 A. It's in this area north of our  
15 community.

16 Q. Could you speak a little louder,  
17 please?

18 A. It's in the area north of our  
19 community.

20 Q. Okay. And where would that be in  
21 relation to Rainy lake?

22 A. Okay. Here's our community right  
23 here, let's see, and Rainy Lake is right here. So it's  
24 relatively close.

25 Q. And where would it be from where we



1 sit here in the Town of Fort Frances, how would a  
2 person get to Stanjikoming from here?

3 A. Well, you can get there by boat from  
4 the five-mile government dock and go through  
5 Stanjikoming Bay or you can go down Highway 611, go  
6 north, just keep on going north and it takes about 15  
7 minutes to get there.

8 It's -- you know, you're actually just  
9 making a big circle to get to our community.

10 Q. Is that the road access that you were  
11 referring to a little while ago?

12 A. Yes , yes.

13 Q. And that's fairly new, I understand.

14 A. Mm-hmm.

15 Q. How long ago was it when you could  
16 not drive to your reserve community?

17 A. We just relocated our community in  
18 January, 1989. Before that the community was situated  
19 on an island and there was basically -- there was no  
20 services there, no adequate housing, et cetera, so we  
21 had negotiated with the Department of Indian Affairs to  
22 relocate to more a suitable location where all our  
23 servicing could be in place, so that is done right now  
24 and we're basically establishing our community and  
25 getting settled.

1 Q. And this is no longer on an island  
2 because it's on the mainland now?

3 A. Yes, it's on the mainland.

4 Q. What do you expect is going to be the  
5 main economic base for the community, what's going to  
6 provide the jobs and the money?

7 A. Well, right now a lot of our energy  
8 has been spent on our road. This whole access road  
9 issue, 23.4 kilometres, is on provincial Crown land, so  
10 we were able to access a hundred dollars from the NORT  
11 committee. And so for this year -- like, last fiscal  
12 year that was our main priority, and we are still  
13 dealing with the Bell Canada issue.

14 And once those two issues get resolved,  
15 we will be looking at this whole forestry issue as an  
16 option. That will definitely be one area where we be  
17 pursuing, as mentioned, with that traditional land use  
18 study that we are pursuing.

19 It will be difficult to say, like,  
20 what -- how employment be created from that, but we are  
21 looking at either options in Fort Frances, but I really  
22 can't say at this point.

23 But forestry would be one area, but we  
24 will be looking at other options probably off reserve  
25 because, where we are situated, it's out of the way and

1 the community itself is basically all bedrock, there's  
2 really not a lot of good development lands.

3 Q. Is there much harvestable wood on the  
4 reserve?

5 A. There was. There is some right now,  
6 but it's very difficult to get to because they are all  
7 scattered and I think it is mainly on the south island  
8 of our community.

9 Most of the -- I think on-reserve, a lot  
10 of the wood has been cut. And I believe the Indian  
11 Forestry Development did do forest management plan a  
12 number of years ago but because our community was  
13 scattered, I really don't think there was a lot of  
14 effort put into it; but plus, you know, because the  
15 community wasn't organized, there was not really that  
16 much input from us, from ourselves, so that is one of  
17 the areas that we are working on right now. We will be  
18 looking at IFDP or Forestry Canada or other areas for  
19 identifying what kind of plan we can put in place for  
20 reforestation on-reserve.

21 Q. Do the members of your community  
22 still participate much in traditional activities like  
23 fishing and trapping, wild rice, and hunting?

24 A. Yes, they do, but it is just for  
25 personal use.

1                   Q. Is there any effect on that caused by  
2                   the forest industry in the sense of cutting operations  
3                   or roads or pulp mills or dams or anything of that  
4                   type?

5                   A. I would assume yes. I myself have  
6                   just moved back in the area, you know, not that long  
7                   ago, about five, six years ago. But in my discussions  
8                   with our older community members, yes, that they have  
9                   indicated that say 30 years ago the situation was a lot  
10                  different. Like right now there is really not a lot of  
11                  fishing, hunting. Like, it is not as good as it used  
12                  to be, that's for sure.

13                  Q. Do these people who you talked to  
14                  tell you anything about why it is not as good as it  
15                  used to be or why they think it is not as good as it  
16                  used to be?

17                  A. I know one of the reasons was because  
18                  of the dam, whenever that was put in place, you know.

19                  Q. I wanted to ask you about the  
20                  on-reserve cutting operation that is mentioned in the  
21                  witness statement. Is that information still current,  
22                  that you do have a small on-reserve cutting operation?

23                  A. I don't think they have any contracts  
24                  currently, but it's very sporadic. We do have one  
25                  skidder on-reserve right now.



1                   Q. What about other jobs in forestry,  
2                   that is, probably for non-Indian employers. Do many of  
3                   the people who are now living at the new reserve site  
4                   work in the forest industry in any way, shape or form?

5                   A. We just have one individual that's  
6                   working there for the summer as a fire fighter.

7                   Q. That's working for MNR as a fire  
8                   fighter?

9                   A. Yes.

10                  Q. What about things like tree planting.  
11                  Do any of your members get income from that?

12                  A. No. But I think that's one of the  
13                  areas that we will be pursuing this year. As I  
14                  indicated earlier, a lot of our energy this last few  
15                  years has been spent just on getting relocated, getting  
16                  settled.

17                  And now that we have made some headway  
18                  with some of our major issues, we are in process of  
19                  trying to prioritize economic development. And just as  
20                  an example, we are talking to different people and, you  
21                  know, one of the areas that was mentioned was possibly  
22                  getting shares into Canadian Tire or something like  
23                  that.

24                  Like, we are just, we haven't really  
25                  identified any specific areas because I think about two

1 years ago we had an economic development study done and  
2 we hired this firm from Ottawa and basically they said  
3 until we get road access, good communications, we are  
4 very limited and we know we are, and especially because  
5 of the location that we are in.

6 Q. It says in the witness statement that  
7 several older men had careers in forestry but that  
8 nobody is working in forestry, at least not off-reserve  
9 now. Do you know anything about where and what types  
10 of work those older men did?

11 A. Yeah, I think they worked around  
12 Glenorchy and some on-reserve. And this was maybe even  
13 20 or 30 years ago. Back then they used to use those  
14 horses.

15 Q. Using horse?

16 A. Yeah, really, maybe 30 years ago,  
17 something like that.

18 Q. Glenorchy, that's east of Fort  
19 Frances; is that correct?

20 A. Yeah.

21 Q. And what kind of operation was there?

22 A. I am not really too sure. I really  
23 can't say. I would have to -- I know my dad was one of  
24 the persons that was involved in cutting there.

25 Q. Was that a major part of his career,

1 working in forestry?

2 A. Hmm-hmm.

3 Q. Was that at a time when very few  
4 people actually lived at Stanjikoming?

5 A. Yes, it was.

6 Q. Where did the people live at that  
7 time?

8 A. People lived in Fort Frances or also  
9 at any of the other First Nations in the area, Seine  
10 River, Manitou, some people people lived down east,  
11 Northwest Bay, just wherever, you know, everybody was  
12 scattered.

13 Q. You said that you were beginning to  
14 study the traditional land use area for the  
15 Stanjikoming community. Once you have that  
16 information, what do you plan to do with it in terms of  
17 forestry?

18 A. Good question... No... Actually, we  
19 are planning on approaching the provincial government  
20 and we are hoping to obtain some kind of control or  
21 co-management within the area that would be identified  
22 as our traditional land use territory. And that since  
23 we are still in the very beginning stages, we are just  
24 in the process of ourselves, trying to make ourselves,  
25 you know, educate ourselves in what's all involved,

1 just talking to different people and attending any  
2 workshops, seminars, whatever.

3 Q. Have you had any indication up to  
4 this time as to what the response of the provincial  
5 government is or is going to be once you have done the  
6 study and make proposals?

7 A. Just with the contact that we have  
8 had with the local Ministry office, I think it would be  
9 favourable, but we certainly want to be cautious or  
10 take our time in identifying exactly what we want at  
11 this point. But that's the general direction that we  
12 are heading.

13 MR. COLBORNE: Thank you. Those are my  
14 questions. There will be some other questions.

15 MADAM CHAIR: Mr. Cassidy.

16 CROSS-EXAMINATION BY MR. CASSIDY:

17 Q. How many band members live off the  
18 reserve?

19 A. We have about 25. So the total  
20 membership is around 84 or so.

21 Q. Are they in and around the Fort  
22 Frances area for the most part or do you have any  
23 knowledge of that?

24 A. Most of them are, but there is about  
25 three families that live down east around Toronto; two



1 of them are my sisters and one of my other cousins.  
2 But basically everybody lives in this area.

3 MR. CASSIDY: I have no further  
4 questions.

5 MADAM CHAIR: Ms. Gillespie.

6 MS. GILLESPIE: I have no questions.

7 MADAM CHAIR: Mr. Freidin.

8 CROSS-EXAMINATION BY MR. FREIDIN:

9 Q. When you report population numbers of  
10 56 or whatever, I am assuming that that includes  
11 children, women and --

12 A. Oh, yes. Oh, yes.

13 MR. FREIDIN: I see. All right, thank  
14 you.

15 I assume that is the same for all  
16 population figures that we have been given, Mr.  
17 Colborne?

18 MR. COLBORNE: The population figures  
19 that appear in here, I thought it was clear, are the  
20 ones produced by Statistics Canada, but I hope I have  
21 said often enough that it is a mystery to me where they  
22 get them from because I don't even pretend that they  
23 are all correct, but nobody seems to be able to tell me  
24 where to get the correct ones.

25 I have asked my Panel 5 witnesses to look

1 at that one last time before they come here and maybe  
2 they can help us. These are the economists who are at  
3 least trained in understanding what statistics are  
4 available and how to find them and how to interpret  
5 them once they have been found.

6 MR. FREIDIN: Those are my questions.

7 MADAM CHAIR: Thank you, Mr. Freidin.

8 Mr. Colborne.

9 MR. COLBORNE: Thank you very much, Chief  
10 Henderson.

11 THE WITNESS: Thank you.

12 MADAM CHAIR: Thank you, Chief Henderson.  
13 The Board appreciates you coming here today. Thank  
14 you.

15 ---Witness withdraws.

16 MR. COLBORNE: Madam Chair, now would be  
17 a convenient time for a short recess. I have a  
18 representative from the Lac La Croix community, and I  
19 am not sure how long the evidence will take but I  
20 expect it would certainly take us past a five-o'clock  
21 adjournment.

22 However, I know that an evening session  
23 was at least possible; I will not be requesting one.  
24 And so if we deal with Lac La Croix, that would  
25 conclude my evidence for today and then I would be

1 prepared to begin Panel 4 first thing tomorrow morning  
2 and return to complete Panel 3 hopefully next week.

3 MR. MARTEL: You won't be doing it  
4 Thursday?

5 MADAM CHAIR: Not on Thursday?

6 MR. COLBORNE: No. Panel 5 witnesses by  
7 my estimate will take both Wednesday and the Thursday  
8 morning session.

9 MADAM CHAIR: But tomorrow we are going  
10 to hear from...?

11 MR. COLBORNE: Panel 4.

12 MADAM CHAIR: Right.

13 MR. COLBORNE: These of course are just  
14 estimates now, but I think Tuesday Panel 4, Wednesday  
15 and Thursday Panel 5. For what these guesses are  
16 worth, those are my guesses.

17 MADAM CHAIR: Thank you, Mr. Colborne.  
18 The Board certainly prefers your suggestion that we  
19 hear your last witness this afternoon. And so we will  
20 take a fifteen-minute break now and come back.

21 MR. COLBORNE: Thank you.

22 ---Recess at 4:28 p.m.

23 ---On resuming at 4:45 p.m.

24 MR. MARTEL: Who is your witness in this  
25 panel, Mr. Colborne?

1 MR. COLBORNE: Ed Atatise.

2 MR. MARTEL: Tell me how to spell that,  
3 Mr. Colborne.

4 MR. COLBORNE: A-t-a-t-i-s-e.

5 MADAM CHAIR: Good afternoon, Mr.  
6 Atatise.

7 ED ATATISE; Sworn.

8 MADAM CHAIR: Mr. Colborne.

9 MR. COLBORNE: Madam Chair, at this time  
10 I have two documents which I wish to file as exhibits.  
11 The witness statement in regard to Lac La Croix has a  
12 considerable amount to say about the issue as between  
13 the Lac La Croix band and Ontario as it relates to  
14 Quetico Park.

15 By coincidence, today is the day when it  
16 is at least hoped by both parties that the very serious  
17 problem identified in the witness statement is being  
18 resolved or at least major decisions are being  
19 announced today that may represent resolution.

20 I thought that by the time the evidence  
21 from this community was reached, that there may in fact  
22 not have been any resolution of these very serious  
23 problems which you will have noted in reading the  
24 witness statement. But, in fact, things have been  
25 happening and today in the provincial legislature a



1 statement was made, and I have the text of that. As  
2 usual it is marked "Checked Against Delivery", and I am  
3 sure that if in fact this is different from what was  
4 actually said this afternoon in any significant regard,  
5 that Mr. Freidin will have access to the corrections.

6 I hope that perhaps this hearing process  
7 had some small part to play in resolving this matter or  
8 at least leading to the announcement that was made this  
9 afternoon.

10 In any case, may I present this document  
11 entitled "Statement to the Legislature by the  
12 Honourable Bud Wildman, Minister of Natural Resources,  
13 Minister responsible for Native Affairs, dated Monday  
14 June 3, 1991".

15 MADAM CHAIR: That will be Exhibit 1868.

16 ---EXHIBIT NO. 1868. Statement to the Legislature by  
17 the Honourable Bud Wildman,  
dated Monday June 3, 1991.

18 MR. COLBORNE: And also more as a matter  
19 of housekeeping than anything, there is in the witness  
20 statement -- or, excuse me, in the replies to the  
21 interrogatories in reference to this panel - and I know  
22 they haven't been filed as an exhibit yet or at least  
23 this particular one was not filed - there is a passage  
24 quoted from a decision of the Game and Fish Hearing  
25 Board, having to do with the trap line licence of Chief

1 Steve Jourdain. I wish to file the complete text of  
2 that decision of the Game and Fish Hearing Board.

3 Just by the way, I will be filing all of  
4 the interrogatories and replies to interrogatories in  
5 one book just for convenience of access and reference  
6 as soon as it is assembled, and that is the reason why  
7 this particular one is not yet formally before you.

8 However, it is a document that is quoted  
9 from in the reply to the interrogatory, and I think the  
10 entire decision should be filed and that's why I am  
11 asking that it be marked as the next exhibit.

12 MADAM CHAIR: Could you repeat the title  
13 of that document, please.

14 MR. COLBORNE: It is on the letterhead of  
15 the Game and Fish Hearing Board. It is dated February  
16 24, 1991. And it's in the format of a letter signed by  
17 Don Empey, E-m-p-e-y, acting chairman. And there is a  
18 document attached to it entitled "Summary of Appeal by  
19 Mr. Steve Jourdain"; this being the format in which  
20 decisions of the Game and Fish Hearing Board are  
21 rendered.

22 MADAM CHAIR: Thank you. That will be  
23 Exhibit 1869.

24 ---EXHIBIT NO. 1869: Letter dated February 24, 1991 on  
25 the letterhead of the Game and  
Fish Hearing Board, signed by

1 Don Empey, acting chairman; also  
2 a Summary of Appeal document by  
3 Mr. Steve Jourdain attached  
4 thereto.

5 MADAM CHAIR: Exhibit 1869 consists of  
6 five pages for the record and Exhibit 1868 consists of  
7 seven pages.

8 DIRECT EXAMINATION BY MR. COLBORNE:

9 Q. Now, Mr. Atatise, you are here  
10 representing the Lac La Croix band today?

11 A. Yes, I am.

12 Q. I understand that Chief Jourdain is  
13 not available. He is in Toronto in connection with  
14 Exhibit 1868; is that correct?

15 A. That's right. That's correct.

16 Q. Sir, what is your position at the  
17 present time?

18 A. I am the band maintenance mechanic at  
19 Lac La Croix band.

20 Q. And previous to occupying that  
21 position, I understand you had another job for several  
22 years.

23 A. Yes, I was an Indian special  
24 constable for nine-and-a-half years.

25 Q. And in connection --

MR. FREIDIN: What was his position?

1 MR. COLBORNE: Special constable.

2 THE WITNESS: Yes, that's the First  
3 Nations' police department now they call them.

4 MR. COLBORNE: Q. And what would give  
5 you access to the kind of general information about the  
6 community that we are talking about here? How do you  
7 find out these things?

8 A. You mean things that we were talking  
9 about like the wildlife and all that good stuff today?

10 Q. Yes.

11 A. Well, mainly through attending  
12 meetings and stuff like that and hearing Chiefs talk  
13 about the problems and issues that are facing my  
14 community, and by word of mouth mostly, I guess.

15 Q. Do you try to keep up to date on  
16 these issues?

17 A. Yeah, I try to because I'm one of the  
18 Band members and I have children who are -- who will be  
19 involved in the future and it is my concern that things  
20 will be a lot better for my children than they are for  
21 us at the present.

22 Q. Sir, did you take a look at what is  
23 in the witness statement at pages 12, 13 and 14 about  
24 the Lac la Croix community before you came to the  
25 front?



1 A. Yes, I did.

2 Q. Did you see any significant errors,  
3 anything that you looked at and thought: No, that's  
4 incorrect?

5 A. Not really incorrect, but I might say  
6 that there was some things that I didn't quite agree  
7 with on the -- I mean, that were kind of a -- that are  
8 part of my grievances, and it's something to do with  
9 the hunting, fishing and Quetico being made a  
10 wilderness area 47 years after the Treaty was signed.

11 The Treaty was signed 1873 and by 1910  
12 Quetico Provincial Park was in existence, which already  
13 made it very hard for my people to survive. They went  
14 through many hardships through those years where they  
15 were forced to -- like, my people are normally nomadic,  
16 if you have a look at history, and their general  
17 hunting area was the Quetico area and Hunter's Island  
18 area and when they couldn't go into Quetico they were  
19 arrested and were denied their exclusive rights within  
20 the Treaties of 1873, only 47 years later.

21 Q. Mr. Atatise, can you show us on the  
22 photo mosaic there where the reserve is and where  
23 Quetico Park is, and I realize it's not a map that is  
24 of the same type that most people use, so take your  
25 time.

1                   A. This is Fort Frances here, right? Is  
2 this Fort Frances?

3                   Q. This may be --

4                   A. This one don't have it I don't think,  
5 because if this is Fort Frances we're 60 miles east of  
6 Fort Frances.

7                   Q. I have a map which might be much more  
8 useful, Mr. Atatise, because of the format of the photo  
9 mosaic. Let's put this one up.

10                  A. Okay.

11                  Q. Now, Mr. Freidin has provided that.  
12 I think that's a map of Quetico Park; is that correct?

13                  A. Right. This is a map of Quetico Park  
14 here, all the green.

15                  Q. And where is the Lac la Croix  
16 reserve?

17                  A. And the Lac la Croix reserve is this  
18 little corner here at the southwest corner of Quetico.

19                  Q. And down below I see orange -- an  
20 orange colour, what's that?

21                  A. Okay. This orange colour is the  
22 Voyageurs National Park of USA which prohibits my  
23 people from going into the Minnesota waters to pursue  
24 their career as guides, that's the only jobs available  
25 for my people at this time and it's seasonal, is

1 operating as tourist guides during the summer season.

2 In the winter there's nothing available,  
3 was at one time when the fur was of value, but since  
4 the decline of fur value, my people are going through a  
5 very, very hard life at the moment.

6 Q. Well, what is the main economic base  
7 for the Lac la Croix community; you mentioned guiding  
8 and trapping. Is there anything else?

9 A. The only two jobs that are available  
10 for Lac la Croix people is tourism and trapping.

11 Q. How do you --

12 A. That's their livelihood.

13 Q. And the people who can't make an  
14 income trapping or from guiding, how do they live?

15 A. Most of them I guess live on welfare  
16 and, like, the number is growing, like, the workforce  
17 is increasing, but the amount of jobs available are  
18 decreasing due to the closing of the Minnesota part of  
19 Lac la Croix and due to the closing of Quetico Park  
20 which we had asked that we be given exclusive rights to  
21 fish these lakes.

22 And I want to thank the Honorable Wildman  
23 today for giving my Band the additional lakes Jean,  
24 Calm, and Cirus Lake, I want to say thank you to that  
25 gentleman today for that.

1 Q. How do you get to Lac la Croix?

2 A. By air and it's very, very expensive,  
3 it's \$247 one way. There's another route which you can  
4 go through Minnesota, hit Crane Lake, which is  
5 somewhere way down here, and from there you get to Lac  
6 la Croix is \$134 by air.

7 Q. So you fly to Crane Lake and then you  
8 drive from Crane Lake?

9 A. That's right. Everybody -- most of  
10 the people leave their vehicles either at Myers -- the  
11 employed ones that are employed by the Band leave their  
12 vehicles, like, the Chiefs, Councils, Band managers,  
13 they leave their vehicles at Myers, but as for guys  
14 like myself who don't drive, without a salary, we have  
15 to leave our vehicles at Crane Lake, Minnesota and fly  
16 in from there.

17 Q. You referred to Myers, that is an air  
18 service out of Fort Frances?

19 A. Yes, Wes Myers Air Service at Fort  
20 Frances.

21 Q. Do you know, does the Band have any  
22 future plans for improving the economic situation?

23 A. I couldn't say offhand but at one  
24 time they had hopes that the Ministry of Natural  
25 Resources would extend the road from Redhorse, which is



1 somewhere in here, yeah, Captaintown, Redhorse area and  
2 extend it into Lac la Croix, so that we might be able  
3 to get our people involved into the wood cutting area  
4 or wood grading employment for my people during the  
5 winter months because, as I say, fur has gone down and  
6 there is no more value in fur.

7 Q. What's the latest with that plan of  
8 getting a road so you can --

9 A. Through negotiation, like I say, I  
10 want to thank Mr. Wildman once again for his quick  
11 response, he offered not a road but I think a trail for  
12 off-road vehicles. Now, this don't service Lac la  
13 Croix anything really, you know, it's not serviced,  
14 it's just a means of getting out, but it does not, say,  
15 provide any future promises of employment in the wood  
16 cutting area.

17 What I'm saying is I've heard rumours  
18 that there was to be a road put into the Wilkins Bay  
19 area on the west end of Lac la Croix which is 12  
20 miles -- 10 miles from my Band and there's a lot of  
21 timber, spruce in that area which are also in my area  
22 here.

23 Now, I don't know who has the exclusive  
24 rights of cutting out the bush between here and  
25 Redhorse, between Lac la Croix and Redhorse, and I

1 don't know why the route ended at the Redhorse Lake and  
2 what the future plans are, but our Band, like I said, I  
3 like to mention once again that the road would  
4 extend -- that would create some employment for my  
5 people.

6 Q. Is there any good wood available to  
7 be harvested on the reserve?

8 A. Yes. Back in the 1930s, '26,  
9 somewhere in that area, I'm not sure, there was once a  
10 road that came off up Flanders and came through and --  
11 through the park, West Bay, Bearpelt, Wolseley and into  
12 the west -- east end of Lac la Croix which then was  
13 closed due to the Quetico provincial and Hunter Island  
14 decision by the province.

15 Q. And what did that road have to do  
16 with the wood on the reserve; was that a logging road?

17 A. Yes, it was a logging road. Like,  
18 there was a guy by the name of Sheldon Carnegies at the  
19 time and he harvested wood all through this area, like,  
20 Sturgeon, Pooba, you still see those little log chutes  
21 in those areas, and they drifted logs down into the  
22 area here. After the road was closed they drifted logs  
23 down to the Namakin River clean through to Namakin and  
24 on through to Rainy to come -- have them processed here  
25 at the mill here at International Falls and Fort

1 Frances.

2 Q. Right now if you had a way to get the  
3 wood out, would there be wood that you could cut on the  
4 reserve?

5 A. Definitely we have a lot of spruce,  
6 we have jack pine, and we have lot of poplar trees  
7 there.

8 Q. Is there anybody cutting it now?

9 A. No, because there's no purpose to cut  
10 it.

11 Q. Okay. And why do you say that?

12 A. The only reason to cut it would be to  
13 use it for firewood, because to cut it would be  
14 senseless, and you have to leave it stand because you  
15 couldn't sell it, no way of getting it out.

16 Q. No way of getting it out?

17 A. That's right.

18 Q. And that's simply because there's no  
19 road?

20 A. That's right.

21 Q. Is there any problem caused to the  
22 trapping by the forest industry. You mentioned  
23 trapping.

24 A. Yes, I think there is three or four  
25 trap lines that are being affected at this moment on

1 the west end of Lac la Croix. One of them greatly  
2 affected would be Mr. Jourdain's, Steve Jourdain's and  
3 another one greatly affected would be Albert  
4 Morrison's, and another one affected greatly is Robert  
5 Atatise's, and my brother also owns a trapping ground  
6 adjacent to Mr. Jourdain's -- connects with Mr.  
7 Jourdain's and that is going to be affected if the road  
8 that is planned -- if it's allowed to proceed to Dawson  
9 area and clear that whole area there, in that area  
10 there.

11 Q. Have you actually seen any of those  
12 trap lines that you've just mentioned in terms of any  
13 effect on them by logging?

14 A. Yes, I've seen two that are affected  
15 by logging, that's Park Lake area, Beaverhouse area  
16 where Albert Morrison used to trap, and Steve  
17 Jourdain's trap line which is Redhorse and Big  
18 Captaintown, all in that area, which is now, let's say,  
19 lunar landscape, there's no longer any bush, and  
20 animals need bush to thrive like beaver, marten any  
21 creature have to have that, and these three have been  
22 greatly affected by the wood cutting in that area.

23 Q. I guess, given the fact that there's  
24 no easy access, there's no members of Lac la Croix  
25 working in the forest industry?



1                   A. We have four boys that are working  
2 summer jobs at the Namakin Lake area. Again, due to  
3 the motor ban issue, the government promised that they  
4 would give our boys a job, I mean, jobs and four of our  
5 boys are currently employed, I don't know for how long  
6 at the Namakin Lake base as EFs -- EEFs, emergency  
7 firefighters.

8                   Q. And that's a summer job; is it?

9                   A. Yes.

10                  Q. Are any members of your community  
11 employed full time by MNR?

12                  A. Let me think. Not offhand I don't  
13 think, no. I don't recall any that are employed full  
14 time. There were a couple that were training, but I  
15 think due to their own behaviour they were asked to  
16 remove themselves from the positions, two young people.

17                  Q. What type of training was that?

18                  A. I think it was forest management  
19 training. I think the two boys are Michael Ottertail,  
20 and other one would be Keeshik - what's his name  
21 again - I don't even remember his first name.

22                  Q. When did that happen; do you know?

23                  A. It happened early May.

24                  Q. Of this year?

25                  A. Of this year, yes. That one boy had

1       been employed with MNR for about maybe a year and a  
2       half.

3                   Q. I'm just wondering, we heard some  
4       evidence about a training program where young people  
5       are educated in a mixture; one part of it is by, I  
6       guess, a television type arrangement and another part  
7       is actually working for MNR.

8                   Does that sound like the type of  
9       situation you're referring to?

10                  A. I'm not aware of that at all.

11                  Q. Okay. And what was it, as far as you  
12       know, that caused this training to come to an end?

13                  A. I believe they had a little problem  
14       with alcoholism I think and, like I say, I'm being very  
15       honest, and I think they went out on a party and missed  
16       a few days and, as a result, they were suspended I  
17       think for a year, and then after a year they returned  
18       to follow on with their study in the forest management  
19       area. That's what I'm led to believe anyway.

20                  Q. Sir, at the beginning I asked you if  
21       when you read through the information in the witness  
22       statement about Lac la Croix you saw any errors.

23                  Now, I want to ask you when you went  
24       through it did you see anything or did you notice  
25       anything that should have been in here that has to do

1 with forestry and your community, anything that is  
2 missed out.

3 Now, one example would be the one that  
4 you just gave me. I think that you would agree that  
5 that would be something that has to do with Lac la  
6 Croix and forestry and it wasn't mentioned in here.  
7 Can you think of anything else that was left out?

8 A. Out of that three-page thing rather?

9 Q. Yes.

10 A. Not at the moment, sir, not at the  
11 moment.

12 MR. COLBORNE: Those are my questions.  
13 Thank you, Mr. Atatise. There will be some other  
14 questions, I believe.

15 THE WITNESS: Okay.

16 MADAM CHAIR: Mr. Cassidy?

17 MR. CASSIDY: Yes.

18 CROSS-EXAMINATION BY MR. CASSIDY:

19 Q. You were talking about a proposed  
20 road that would provide access for logging activities  
21 on your reserve. Is it proposed that that road would  
22 go through what is now Quetico Park?

23 A. No, that's not what I said. What I  
24 said was Mr. Wildman has offered to put an off-road  
25 vehicle trail into my community which would serve not

1 for wood cutting or anything else, but mainly just a  
2 way out for people that have off-road vehicles and for  
3 those who don't snowshoe that 12 miles, you know.

4 Q. Is there any proposal in place or  
5 being made that you're aware of to build road access to  
6 allow logging activities to occur on your reserve?

7 A. Not at the moment, it is my hopes  
8 that there would be.

9 Q. If such a road were to be placed to  
10 do that and your hope was met, would that road have to  
11 go through Quetico Provincial Park?

12 A. No, because the road that is now  
13 coming in comes through west of Quetico and could enter  
14 west into my reserve and continue west to the end of my  
15 reserve.

16 Q. So with that location you're looking  
17 for some road access for logging?

18 A. Yes. It is my hope that MNR would  
19 extend east instead of south.

20 Q. I want to come back to Quetico Park.  
21 Does the Lac la Croix Band wish to conduct forestry  
22 operations in what is now Quetico Park?

23 A. That I cannot say at the moment, sir,  
24 I could not.

25 Q. Has it made any proposals to the



1 Ministry of Natural Resources along that line to your  
2 knowledge?

3 A. To my knowledge I haven't heard  
4 anything in that area.

5 Q. Is it fair to say - and I get this  
6 from my impression of the witness statement - is it  
7 fair to say that the existence of the park has caused  
8 your Band economic hardship in the past?

9 A. Yes, it has caused great economic  
10 hardships for my people, not only the Quetico Park, but  
11 the park south of us. We're sandwiched between, you  
12 know, we're like, what do you call, a Harvey's sandwich  
13 or a McDonald's sandwich, a little small piece of meat  
14 but a lot of buns on the outside.

15 Q. And you're sandwiched between Quetico  
16 Park and U.S. Wilderness Park; is that right?

17 A. Yes. There's no motors allowed on  
18 one half of the lake of Lac la Croix and no motors  
19 allowed in these areas here, the red, which we had  
20 asked for.

21 Q. Right.

22 A. But, like I said, again I want to  
23 thank Mr. Wildman I think it is for his quick response  
24 and in answering to our needs and giving us Cirus Lake,  
25 Calm and Jean Lakes, which is this here. (indicating)

1 Q. Is anyone other than your Band  
2 members being allowed to use, according to your  
3 understanding of what's happened, going to be allowed  
4 to use motor boats in the park?

5 A. To my understanding it was a special  
6 exemption for Lac la Croix people because of the  
7 injustice that were done by the Ontario government to  
8 Lac la Croix and that was their way of compensating Lac  
9 la Croix Reserve, giving them special exemption to use  
10 motors on certain lakes of the Quetico Park.

11 Q. Okay. I'm going to assume that  
12 motors were not part of your traditional use of those  
13 areas, so on that basis is it correct to say that the  
14 use of the motor boats is being permitted as a form of  
15 economic development opportunity to allow you to carry  
16 out your guiding in a more effective fashion?

17 A. Yes, use of motor boat because they  
18 increase the amount of tourism but, like I said  
19 earlier, everything is fly-in in that area and there's  
20 not very many people that can afford to fly in these  
21 lakes.

22 So the use of these lakes are, let's say  
23 a lot of my guys, minimal, I would say the use of these  
24 lakes are used more by canoeists than we use them.

25 Q. So you don't sound so optimistic

1 about the value of allowing motor boat usage by your  
2 Band?

3 A. Not at all. We had asked that we  
4 have landing rights into the lakes due to the age of  
5 the people that do and can afford to go into such lakes  
6 because those are the people -- most of the people that  
7 go in there are people who have worked there all their  
8 lives, made a living, saved some money and can afford  
9 to fly into the lakes for a day.

10 Q. The Minister's announcement refers to  
11 what he anticipates to be some public concern over this  
12 proposed exemption or an exemption. Can you tell me  
13 where that -- do you know where that public concern is;  
14 is it in the area, or is it in southern Ontario, or  
15 what is he referring to there, in your view?

16 A. Oh, okay. There was some concern  
17 with a group of activists who call themselves I  
18 think --

19 Q. Sorry, I didn't hear that last word,  
20 group of what?

21 A. Activists.

22 Q. Yes, go ahead.

23 A. They call themselves Friends of  
24 Quetico.

25 Q. Friends of Quetico?

1 A. Yes.

2 Q. Yes?

3 A. And one of our boys managed to sneak  
4 into one of the meetings and heard a comment, we will  
5 be burying the Lac la Croix guides on the portages.

6 Q. We will be what..?

7 A. Burying the Lac la Croix guides on  
8 the portages. Now, we had asked Mr. Gurman when he was  
9 down there, he's the negotiator, that there would be  
10 some action taken on this type of thing, that I heard  
11 that the two posts pushing this were Beaverhouse and  
12 Station at Lac la Croix where they've been selling  
13 T-shirts pushing the issue of wilderness area of  
14 Quetico.

15 Q. Who's Beaverhouse?

16 A. Beaverhouse Lake is a landing site at  
17 the present for all aircraft that do enter Quetico  
18 Park.

19 Q. What are the Friends of Quetico, who  
20 are they?

21 A. They're a bunch of, I guess,  
22 activists who are saying that, you know, Lac la Croix  
23 should not get exclusive rights into the park, when  
24 they don't realize that we, the people of Lac la Croix,  
25 have exclusive rights throughout Quetico Park without



1 anyone's permission. We can enter the park at any time  
2 anywhere and operate a motor vehicle -- I mean, a motor  
3 vehicle, an outboard motor anywhere in that area.

4 So actually we're being very kind by  
5 adhereing to the rules and demands of the Ministry of  
6 Natural Resources by not going into Quetico and  
7 adhereing to the lines they had drawn of how far we can  
8 go in Quetico.

9 Q. To your knowledge, forestry or  
10 logging is not permitted in Quetico Park; is that  
11 correct?

12 A. Yes, there's no logging there, but  
13 there was logging in years past.

14 Q. Right, before it was designated as a  
15 wilderness park?

16 A. Excuse me.

17 Q. There was logging before it was  
18 designated as a wilderness park; is that right?

19 A. Yes, there was.

20 Q. And that was 1913?

21 A. Yes, 1913, and I think there was  
22 still logging in that area in the late 30s.

23 Q. But there's been none since?

24 A. Not that I know of anyway.

25 Q. All right. I want to take you to

1 page 13 of the witness statement. Do you have it there  
2 in front of you?

3 A. Yes, I do.

4 Q. And you see the last paragraph there?

5 A. Okay.

6 Q. And I'm going to go down about two  
7 sentences which states:

8 "The Band perceives this as a survival  
9 fight where the white interest  
10 represented by MNR have adopted positions  
11 which defy rational comprehension."

12 What do you think it means - and I  
13 recognize you probably didn't write this - but since  
14 you're the only one I can cross-examine on it I'm going  
15 to ask you, what do you think it means where it states:

16 "...positions which defy rational  
17 comprehension."

18 What is that talking about?

19 A. Ah!

20 "The Band perceives this as a survival  
21 fight..."

22 Oh, I perceived that would mean that we  
23 have negotiated with MNR for many years now I guess in  
24 regards to Quetico and there is a time when one gets  
25 tired of begging, and I think the only way that MNR

1 would hear our demands would be to go into the park and  
2 violate no laws and yet be arrested. I think that's  
3 the meaning of that sentence.

4 Q. Okay. The next --

5 A. Because they have exclusive rights in  
6 the park due to a Treaty.

7 Q. The next sentence states:

8 "Does MNR seriously want to destroy the  
9 Ojibway presence in the Quetico area so  
10 a handful of Americans can enjoy  
11 eco-vacations."

12 And I don't mean to be facetious, sir,  
13 but can you tell me what an eco-vacation is?

14 A. An eco-vacation. I think to me  
15 that's a very new word, like, I'm an Ojibway and my  
16 language primarily is Ojibway and I'm not that fluent  
17 in the English language and I would like to ask you  
18 what eco-vacation is.

19 Q. Well, I'm going to draw an  
20 assumption, this is simply a suggestion which you are  
21 free to agree or disagree with, that it basically means  
22 that a rather small group of people who are not  
23 residents of Canada can enjoy a wilderness experience  
24 in a provincial park at your expense; i.e., your Band'  
25 expense.

1                   Would you agree that that is the thrust  
2                   and meaning of that sentence?

3                   A. I would agree that there is a handful  
4                   of Americans that go in there, yes, and I believe there  
5                   are a lot of groups that are fighting for a wilderness  
6                   area, and we, Lac la Croix Band members, pay the price  
7                   because of the small handful of young, healthy,  
8                   youthful Americans that can paddle through that park;  
9                   whereas the old and established who can't afford to pay  
10                  a salary to a guy cannot go into the park.

11                  Q. And would you finally agree with me  
12                  that the major cause of all this is that a park was  
13                  established without your Band's agreement or  
14                  consultation?

15                  A. I would say this, that we were not  
16                  aware of a park being in existence. My people back in  
17                  1910, who were of 24C, they signed a Treaty in 1873, 47  
18                  years later their reserve was cancelled by the  
19                  Government of Ontario. They went over the heads of the  
20                  federal legislation who gave the Indians an absolute  
21                  right to live on reservations.

22                  24C was surveyed and was recognized as a  
23                  reserve but then 1910, 1915 was abolished without no  
24                  compensation to the members of 24C, my grandfather  
25                  being one of them. I'm a direct descendent of 24C.



1 MR. CASSIDY: Those are my questions.

2 Thank you.

3 THE WITNESS: You're welcome, sir.

4 MADAM CHAIR: Thank you, Mr. Cassidy.

5 Ms. Gillespie?

6 MS. GILLESPIE: Yes, just a few questions.

7 CROSS-EXAMINATION BY MS. GILLESPIE:

8 Q. You described some effects that  
9 timber activities have had on your community such as  
10 trap lines being cut. Can you tell me, was your  
11 community consulted about those logging activities?

12 A. Unfortunately not, you know, a lot of  
13 time when there's anything going on and the government  
14 decisions usually we, the minority, are never involved  
15 in any planning or any decisions that are to be made.

16 Q. So as far as you know your Band  
17 didn't participate in any planning process about those  
18 activities?

19 A. Not with the logging process of the  
20 area of mentioned here west of Quetico, no.

21 Q. You also mentioned that you don't  
22 have any road access into your community and that  
23 travel is expensive.

24 Would it assist your participation in  
25 planning processes like that if the Ministry of Natural

1 Resources travelled to your community to hear what your  
2 concerns are; would that be of assistance to your Band?

3 A. If they travelled to my reserve, no.  
4 Not just if they travel there to hear what my problems  
5 were, no, if they did something about what my problems  
6 were, yes, it would be helpful. Yes.

7 Q. But would it be a helpful part of  
8 that process to have them come to you?

9 A. I'm very hard of hearing, Ma'am. I  
10 can hear a man's voice very clear but a woman's voice  
11 is like...

12 Q. I will try a little harder.

13 A. If you had a mike, maybe steal  
14 somebody's mike.

15 Q. Okay.

16 A. And I can probably hear you better.

17 Q. Well, is it one of the problems in  
18 participating in timber management planning that you  
19 have a travel problem, or...

20 A. No, one of the problems we have  
21 because of travel problems is our area is very hard to  
22 get to, the only way to get to it is by air and, like I  
23 said, it's \$247 for a little Cessna to get there through  
24 the Canadian way, and it's \$134 to come in from Crane  
25 Lake one way, that's one way.

1 Q. Well, would you agree with me that it  
2 would be of benefit to people like the trappers whose  
3 trap lines were cut over if the people planning the  
4 timber activities had information about those trap  
5 lines and were able to use that information to try and  
6 avoid impacts? Would that be a good thing?

7 A. Ah, that's a very tough question.  
8 See, at this point it's affecting I think three  
9 families, like I say, Robert Atatise, Steve Jourdain's,  
10 and the Albert Morrison line because of the wood being  
11 cut out there and the animals can't thrive in that area  
12 any more.

13 Q. But would it be helpful when we're  
14 deciding -- when timber management planning is going on  
15 and decisions are being made about where cutting is  
16 going to occur, would it be beneficial to those  
17 trappers if their trap lines are identified as areas of  
18 concern and if information is available to help the  
19 planning avoid affecting them or less than negative  
20 effects on them.

21 A. I kind of think if there was some way  
22 to allow knowledge to the trapper that is going to be  
23 affected, because I think MNR has records of where  
24 everybody has a trap line, and I think if they were  
25 going to affect that area that that person that was

1 going to be affected and directly affected be notified  
2 that this area is going to be cut out.

3 Q. Okay.

4 A. But it would not make life any easier  
5 for that person, it would make him say: Oh boy, my  
6 line's going, you know.

7 What would help my community, like I  
8 said, instead of putting this off-trail vehicle in,  
9 this road, to put some kind of an access road which  
10 would enhance tourism as well as possible wood cutting  
11 for my people.

12 MADAM CHAIR: Excuse me, Mr. Atatise.

13 THE WITNESS: Yes.

14 MADAM CHAIR: Did you say that you were  
15 12 miles from the nearest road?

16 THE WITNESS: Approximately, which is at  
17 Redhorse.

18 MADAM CHAIR: 12 miles?

19 THE WITNESS: Yes.

20 MADAM CHAIR: And that road is a logging  
21 road?

22 THE WITNESS: It is a logging road, yes.

23 MADAM CHAIR: And what does it go into,  
24 that road, does it link up with a highway at some point  
25 or something --



1 THE WITNESS: Yeah it's hooks up with  
2 Highway 11 right here. Comes off of Flanders between  
3 Atikokan and -- Atikokan and - what town now is that -  
4 Mine Centre.

5 MADAM CHAIR: Thank you.

6 MR. MARTEL: How close is the road now to  
7 your reserve?

8 THE WITNESS: I'd say as the crow flies,  
9 seven miles, but if it were --

10 MR. MARTEL: And how far does the reserve  
11 go out actually, has someone got the cutting rights  
12 between the road and the reserve?

13 THE WITNESS: I asked that question  
14 before to you guys, who has the cutting rights west  
15 of--

16 MR. MARTEL: Well, Mr. Freidin will tell  
17 us in a few minutes, I'm sure.

18 THE WITNESS: --west of Lac la Croix, you  
19 know, who has the cutting rights. If no one has that  
20 cutting rights and if indeed the road does come  
21 through, I propose that Lac la Croix be given the  
22 cutting rights in that area so that my people will have  
23 a job.

24 MS. GILLESPIE: Thank you. Those are my  
25 questions.

1 THE WITNESS: Okay. Thank you very much.

2 MADAM CHAIR: Thank you, Ms. Gillespie?

3 Mr. Freidin?

4 MR. FREIDIN: Mr. Atatise, what I would  
5 like to do is you can move this map over where the  
6 Board can see it.

7 ---Off the record discussion.

8 CROSS-EXAMINATION BY MR. FREIDIN:

9 Q. Now, before we begin on that, Mr.  
10 Atatise, you gave evidence regarding the issue of  
11 access of the band or access to the band area. I am  
12 wondering if I can give you a copy of two letters  
13 and --

14 MADAM CHAIR: Do you want this to be an  
15 exhibit, Mr. Freidin?

16 MR. FREIDIN: Yes, please.

17 And the first letter which will be what  
18 exhibit, Madam Chair?

19 MADAM CHAIR: 1870.

20 MR. FREIDIN: And the second letter will  
21 be...?

22 MADAM CHAIR: 1871.

23 ---EXHIBIT NO. 1870: Letter dated September 22, 1982,  
24 to Mr. A.M. Harjula from Chief  
Justin Boshey.

25

---EXHIBIT NO. 1871: Letter dated August 22, 1989, to the Honourable Lynn Macleod from Chief Steve Jourdain.

MR. FREIDIN: Exhibit 1870 --

MR. FREIDIN: Yes.

Q. The reason I am showing these to you Mr. Atatise, I just want to clarify for the Board sort of the history behind this issue about whether or not the band wanted access or not. And if I look at Exhibit 1870, which is the September 22, '82 letter, Chief Boshey--

Q. --says that:

And then the next one, which is some seven years later, approximately, a letter to the Minister of Natural Resources at that time, signed by Chief Jourdain, says in the second paragraph here, this is the part I wanted to direct your attention to, in the second paragraph, he says -- first of all at the beginning:

1                    "We are writing to voice our concerns  
2                    with the Timber Management Policy as it  
3                    relates to areas adjacent to Quetico Park  
4                    and Lac La Croix."

5                    And then he says in the second paragraph:

6                    "Currently, our community has made a  
7                    decision to remain isolated."

8                    MADAM CHAIR: We don't have a copy of  
9                    that, Mr. Freidin.

10                   MR. FREIDIN: Yes.

11                   MADAM CHAIR: Oh, do we? We do, thank  
12                   you.

13                   MR. COLBORNE: I certainly would have  
14                   been better able to deal with this if it had been  
15                   included in an interrogatory or something. I don't  
16                   know if this witness can tell us much about what a  
17                   chief meant when--

18                   MR. FREIDIN: I just want to clarify --

19                   MR. COLBORNE: --a letter was sent two  
20                   years ago, but --

21                   MR. FREIDIN: Well, the letter can speak  
22                   for itself.

23                   THE WITNESS: Okay, these letters I think  
24                   have no impact on the present situation that we are  
25                   faced with.



1 MR. FREIDIN: Q. I understand that. All  
2 I am trying to establish is that the desires of the  
3 band for access have changed over time.

4 A. Yes, we are in the middle of making  
5 decisions as problems arise, okay.

6 Q. Okay. Thank you.

7 A. You are very welcome.

8 Q. Now, I would like to just as well  
9 clarify your evidence regarding what Mr. Wildman has  
10 done. Now this map, which is a map of Quetico Park --  
11 I suggest Madam Chair, that this be marked as the next  
12 exhibit.

13 MADAM CHAIR: The map, that will be  
14 Exhibit 1872. Could you describe it, Mr. Freidin.

15 ---EXHIBIT NO. 1872: Map of Quetico Provincial Park,  
16 published by the Ontario  
Foundation, dated 1989.

17 MR. FREIDIN: It is a map of Quetico  
18 Provincial Park published by the Ontario Foundation,  
19 dated 1989.

20 Q. Now, you were referring to this map  
21 when you were talking about the lakes that Mr. Wildman  
22 had referred to. And can we agree that on this map the  
23 lakes which are outlined in black are lakes to which  
24 the Lac St. Croix Band were --

25 MR. COLBORNE: Lac La Croix.

1 MR. FREIDIN: Q. Lac La Croix, sorry,  
2 Lac La Croix Band were permitted to operate motor  
3 boats--

4 A. Had access to, yes.

5 Q. --within the park?

6 A. Yes.

7 Q. And I understand that that is  
8 something which has been allowed since approximately  
9 1982?

10 A. Yes.

11 Q. And I understand that the recent  
12 announcement -- pardon me, that since 1982 and even at  
13 the present time, the Band has proposed that it be  
14 given access for motor boats to all the lakes which are  
15 shown on this map which are outlined in red--

16 A. Yes.

17 Q. --including the three lakes which  
18 have red hatch marks on them?

19 A. Yes. The red hatch marks are the  
20 ones that are permitted now.

21 Q. Right. So, if we look at the map  
22 then, there are I think eight lakes with red around  
23 them and those are the eight lakes that the band would  
24 like to have motor boat access to?

25 A. Yes.

1 Q. And the three which have the red  
2 hatch marks on them are the ones which--

3 A. We have --

4 Q. --Mr. Wildman referred to in his  
5 statement today?

6 A. Right.

7 MR. FREIDIN: And Madam Chair, just for  
8 the record, I will give counsel a copy and the witness  
9 a copy of these documents. What I am giving the  
10 witness is a three-page document which -- the Xeroxing  
11 didn't get the written part at the top. I want to file  
12 these by way of information, Madam Chair.

13 The first document is, and I can advise  
14 you is from the Quetico Provincial Park master plan,  
15 this document here.

16 THE WITNESS: Yes, okay.

17 MR. FREIDIN: So the first document is  
18 the Quetico Provincial Park master plan--

19 THE WITNESS: I will mark that down  
20 myself.

21 MR. FREIDIN: --dated September of 1977,  
22 and it is page 49 from that plan.

23 MADAM CHAIR: Do you want this to be one  
24 exhibit, A, B, and C?

25 MR. FREIDIN: I think so, Madam Chair.

1 MADAM CHAIR: All right. This will be  
2 Exhibit 1873A.

3 THE WITNESS: That was September '77,  
4 page 49. I don't have the book, so now I will never be  
5 able to read the other parts of it.

6 MR. FREIDIN: The second document is the  
7 Quetico Provincial Park revised park policy, dated  
8 1982. And as you see this is page 8 from that  
9 document.

10 MADAM CHAIR: This will be Exhibit 1873B.

11 THE WITNESS: 1982.

12 MR. FREIDIN: And the third document is  
13 the Quetico Provincial Park revised park policy for  
14 1989, page 11.

15 MADAM CHAIR: That will be Exhibit 1873C.

16 ---EXHIBIT NO. 1873A: Quetico Provincial Park master  
17 plan, dated September 1977.

18 ---EXHIBIT NO. 1873B: Page 8 from the Quetico  
19 Provincial Park revised park  
20 policy, dated 1982.

21 ---EXHIBIT NO. 1873C: Page 11 from the Quetico  
22 Provincial Park revised  
23 park policy, dated 1989.

24 MR. FREIDIN: Q. And the reason I just  
25 put these in, Mr. Atatise, I just wanted to know  
whether based on your involvement with this issue, that  
you could confirm then if we look, starting at the



1 third document, that in 1977 there was an indication in  
2 the master plan that there would in fact be a ban on, a  
3 total ban on motors throughout the park would be  
4 implemented in 1979. Do you see that on the bottom  
5 left-hand side of Exhibit 1873A, about five lines up  
6 from the bottom?

7 A. Yes.

8 Q. I am referring to Exhibit 1873A, the  
9 left-hand column, about five lines up from the bottom.

10 It says:

11 "The total banning of motors  
12 throughout the park will be implemented  
13 in 1979."

14 And then what happens, by way of history,  
15 in 1982, again if we look at 1873B on the left-hand  
16 column in the second full paragraph under the heading  
17 "Recreational Use", coming down about six or seven  
18 lines, it refers to:

19 "Existing regulations ban motor  
20 powered watercraft from all waters within  
21 the park with one exception."

22 And then it sets out the exceptions in  
23 relation to the Lac La Croix Indian Band.

24 A. That's right.

25 Q. And those would be with reference to

1 the lakes which we have here outlined in black--

2 A. That's right.

3 Q. --on Exhibit 1872.

4 Then again just to complete the history  
5 up to today, just before today, if we go to 1873C,  
6 1989, I see that the minister of that day, who I  
7 believe was Mr. Kerrio, extended the exemption for the  
8 lakes which are in black indefinitely.

9 A. Hm-hmm.

10 Q. And he made reference to, and we see  
11 that in the very first paragraph which has a little  
12 asterisk on it, and is reference to this use to being  
13 put not only to days but to nights, overnights as well.

14 A. Yes.

15 Q. And then to finish the history, we  
16 have got Mr. Wildman's statement of today.

17 A. Yes.

18 Q. Okay, good.

19 Mr. Atatise, I am going to put this --  
20 you can help me put this map up. I am putting up a map  
21 here, Mr. Atatise, and it is my information that what  
22 this map shows are the traplines in this general area--

23 A. Right.

24 Q. --including the trap lines of Chief  
25 Jourdain--

1 A. Right.

2 Q. --which we have marked here as number  
3 18?

4 A. Hm-hmm.

5 Q. Elizabeth Lessard, No. 19, and some  
6 of the other people that you mentioned.

7 A. Right.

8 Q. I intend to prove this through  
9 written reply evidence but perhaps we can mark this  
10 document as the next exhibit, and it is an indication  
11 of the existing trap lines in the vicinity of the Lac  
12 La Croix Indian Band.

13 A. Right.

14 MADAM CHAIR: That will be Exhibit 1874.

15 ---EXHIBIT NO. 1874: Map showing the existing  
16 traplines in the vicinity of the  
Lac La Croix Indian band.

17 MR. FREIDIN: Again, subject to proof, I  
18 would also like to file what I suggest are copies of  
19 the return on the trap lines of the individual whose  
20 name appears at the top of the page; the first one  
21 being Robert Atatise, Elizabeth Lessard, William  
22 Wilson, Steve Jourdain, who I understand will be Chief  
23 Steve Jourdain?

24 THE WITNESS: Right.

25 MR. FREIDIN: Q. Albert Morrison you

1 mentioned and Edward Atatise.

2 A. Hm-hmm.

3 Q. That's you?

4 A. That's me, that's right.

5 Q. Okay.

6 MR. COLBORNE: Now I am getting a little  
7 confused here because once again this is not the  
8 subject of any interrogatory. And Mr. Freidin has  
9 mentioned written reply evidence. Reply to what? I am  
10 just not sure where this fits into things.

11 Reply evidence is replying to something;  
12 it's not something that occurred to MNR halfway through  
13 the game that they would like to talk about. So I  
14 think this should be explained a little bit, at least  
15 so I can understand where this fits into the general  
16 scheme of things.

17 MR. FREIDIN: Firstly, Madam Chair -- you  
18 may want to sit down just for a minute, Mr. Atatise.

19 THE WITNESS: I don't mind standing up.

20 MR. FREIDIN: The witness statement has  
21 made allegations, and more particularly this witness  
22 has made allegations regarding the state of various  
23 traplines. He has referred to certain traplines being  
24 "moonscapes". He has made certain suggestions in his  
25 evidence regarding the effects of timber management on



1 the trapping which is available, the animals that are  
2 available.

3 This evidence is meant to be the basis of  
4 my questioning of this witness, and I am going to be  
5 seeking his advice and view as to what this sort of  
6 information should be interpreted as. And I think  
7 that's important because this witness and in particular  
8 the section of this witness statement from this  
9 particular band is very strongly worded, I would  
10 suggest, in relation to the effects of timber  
11 management on harvesting.

12 I also should tell you that because this  
13 witness statement again has very strong statements in  
14 it regarding the involvement or the experience of Chief  
15 Jourdain in relation to his efforts to obtain a  
16 trapping licence that I intend to in fact deal with  
17 that specific allegation as well. These are statements  
18 which are in the witness statement. It is proper  
19 cross-examination and that's where I am going.

20 MADAM CHAIR: Well, the first point, Mr.  
21 Freidin, the only mention the Board can see about the  
22 effects on trapping is on page 13, the second paragraph  
23 from the bottom, and there are two sentences:

24 "Recently trapping has declined with  
25 falling prices and as trapping grounds

1                   have been cut over. The traplines  
2                   of... - three individuals - ...have been  
3                   especially damaged."

4                   MR. FREIDIN: All right. If the witness  
5                   is willing to agree for the purposes of the record that  
6                   the decline in return is not the result of the cutting,  
7                   then I am quite content not to ask the questions.

8                   However, even though that is what it says  
9                   here, the witness said, was asked, "Have you seen any  
10                  of those traplines regarding the effects of logging?"  
11                  And he said, "Albert Morrison, Steve Jourdain, it is  
12                  now a lunar landscape."

13                  The next map I will put up there will in  
14                  fact indicate to you what the cut-overs are on those  
15                  specific traplines, and the Board -- I am not going to  
16                  argue about the significance of them, but the  
17                  information should be there for the purposes of the  
18                  Board to form the basis of whatever submissions anybody  
19                  wishes to make based on those facts. And that's what  
20                  cross-examination is about. It is to counter the  
21                  evidence and clarify the evidence led by the parties,  
22                  and that is all I am trying to do.

23                  MR. COLBORNE: I think I understand it  
24                  now. Cross-examination is also, however, based on  
25                  interrogatories in the process that we have here, and

1 that is why I raised the point. If in fact this  
2 cross-examination is directed to evidence which I have  
3 called, then I have no basis to object. However, if I  
4 hear that Mr. Freidin is going considerably afield from  
5 the evidence which has been presented, I will not  
6 hesitate to rise.

7 I had noticed as well that the comments  
8 in the witness statement on trapping were somewhat  
9 modest in this particular case. I think in relation to  
10 other communities, there were somewhat stronger  
11 responses to what had occurred.

12 However, I do now understand what Mr.  
13 Freidin is proposing to do and I withdraw my objection.  
14 ---Off the record discussion.

15 MADAM CHAIR: Go ahead, Mr. Freidin. The  
16 Board agrees with Mr. Colborne: It would have been an  
17 easier process for you to have this material discussed  
18 in an interrogatory.

19 MR. FREIDIN: We asked in Interrogatory  
20 No. 7 for all the Treaty #3 reserves to comment on the  
21 effect of cutting operations on traplines. Please  
22 provide the following information: (a), the licence  
23 numbers of the traplines referred to and indicate  
24 whether the licence is an Indian licence or a  
25 non-Indian licence.

1                   Provide the approximate years of the  
2                   timber harvesting being referred to in the reports.

3                   Are these traplines still active?

4                   Specifically, which species of furbearers  
5                   have been affected and in what way, example marten as  
6                   distinct from beaver?

7                   Various comments were made about the  
8                   effects of access on these traplines. Is the problem  
9                   with other persons trapping these areas or are these  
10                  references to other problems? If these are references  
11                  to other problems, please explain.

12                  Does Treaty #3 agree that it is  
13                  essentially impossible to harvest timber without  
14                  affecting some trapping zone or licence area, et cetera  
15                  et cetera...

16                  And the answer was: MNR has this  
17                  information or we do not have this information. We  
18                  doubt that anybody has. That was the response that we  
19                  were, the kind of response we were getting. That's why  
20                  we are doing it this way.

21                  MR. COLBORNE: Well, I think we better  
22                  file the response then because I would have to take the  
23                  position that it is responsive. If MNR has  
24                  information, we don't have an enormous bureacracy to go  
25                  out and look for this. We don't have a



1 multi-million-dollar budget to collect information that  
2 the Ministry of Natural Resources has. And we are not  
3 prepared to do it unless we are ordered.

4 MR. FREIDIN: And the way to get the  
5 information before the Board because it is relevant,  
6 Madam Chair, as we have said, is through  
7 cross-examination. We asked for it. It would have  
8 been easy if we had the information. We would have  
9 just put it in.

10 THE WITNESS: May I say something before  
11 that thing goes out?

12 MR. FREIDIN: Q. Sure.

13 A. As you know, last year the Trapper  
14 Association folded up and there is no trappers'  
15 association. Okay. And I am telling you it's not due  
16 to really the harvest of wood, it's due to the  
17 declination of prices and due to the bleeding hearts,  
18 the humane society, and all those people that protect  
19 animals rather than protect humans who need to survive.

20 Q. That's the point, Mr. Atatise, that a  
21 number of people have come forward and they have said  
22 basically the same thing, and all I was trying to do  
23 was to clarify that that's really what is going on, and  
24 I thank you very much for that evidence.

25 A. You are very welcome.

1 MADAM CHAIR: Mr. Freidin, we stopped  
2 with exhibit -- did we make the trapline returns 1875?

3 MR. FREIDIN: I am not sure.

4 THE WITNESS: I didn't hear anybody  
5 mention that. Is it or is it not?

6 MADAM CHAIR: Yes, it is. Exhibit 1875.

7 ---EXHIBIT NO. 1875: Trapline returns for Robert  
8 Atatise, Elizabeth Lessard,  
9 William Wilson, Steve Jourdain,  
Albert Morrison, Edward Atatise.

10 MADAM CHAIR: And Mr. Freidin, it is now  
11 your intention not to put up another map? You said you  
12 were going to give the Board two maps and one is in  
13 front of us.

14 MR. FREIDIN: I will just put it up for  
15 one second. I will just put it up and just tell you  
16 what it is.

17 And I only have to ask the witness --  
18 this is a copy of - I don't know how to describe it -  
19 it is a map here which purports to show cut-over areas  
20 which have occurred since 1975 up to 1990 on various  
21 traplines in the Lac La Croix Indian Band vicinity  
22 indicated by colour, colour indicating the year of cut.

23 THE WITNESS: There are more traplines  
24 down here. This is the...(inaudible)

25 ---Reporter appeals.

1 MR. FREIDIN: Q. So I think what we want  
2 to do is identify where these are.

3 Which one is Steve Jourdain's?

4 A. Let's see now. Okay. Albert  
5 Morrison right here, in that area. Albert Morrison is  
6 in the Beaverhouse area.

7 Q. I just want to pick up where he is.

8 A. Albert Morrison is here.

9 Q. This area I am circling here, this is  
10 Albert Morrison, okay.

11 A. Swamp. And animals are not trapped  
12 in swamps. Beaver and --

13 Q. I am marking "AM" for Albert  
14 Morrison.

15 A. The next one is Steve Jourdain,  
16 right here. This here. This one where the point is,  
17 that's right.

18 Q. "SJ" for Steve Jourdain.

19 Elizabeth Lessard.

20 A. Is here.

21 Q. "EL", I am marking that for now.

22 William Wilson?

23 A. William Wilson.

24 Q. He is not on here.

25 A. Okay.

1 Q. Is yours on here?

2 A. Me? I am way over here in the Park.  
3 It's not even on here.

4 Q. Okay.

5 A. This one is James Atatise. It is  
6 starting to, yeah, it is starting to come into the  
7 James Atatise ground area too now.

8 Q. I think we have got those, okay.

9 Can that be marked as the next exhibit?

10 MADAM CHAIR: Any objections, Mr.

11 Colborne?

12 MR. COLBORNE: No.

13 MR. MARTEL: You are going to identify,  
14 Mr. Freidin, I presume, the cuttings, so that we will  
15 know who holds the rights. I am not asking for the  
16 particular cuts, but I think my concern is that he  
17 asked that they be given the land beyond if no one  
18 knows who it is who has cutting rights. I presume  
19 somebody is -- is it Crown land? Is it part of an FMA?  
20 Is it part of a company management union or what?

21 THE WITNESS: We ask that we be given  
22 rights to --

23 MR. FREIDIN: What is this exhibit  
24 number, Madam Chair?

25 MADAM CHAIR: This exhibit will be



1 Exhibit 1876, and it is a map showing the location of  
2 some of the traplines in the vicinity of the Lac La  
3 Croix area as well as an indication of timber  
4 management activities in the same areas.

5 ---EXHIBIT NO. 1876: Map showing the location of some  
6 of the traplines in the vicinity  
7 of the Lac La Croix area as well  
8 as an indication of timber  
management activities in the same  
areas.

9 MR. FREIDIN: Yes.

10 THE WITNESS: And what exhibit number is  
11 that?

12 MADAM CHAIR: 1876.

13 MR. FREIDIN: Q. Now, using this map as  
14 an example, where is the area that you were talking  
15 about in your evidence that you say that you would like  
16 access to cut?

17 A. Would be west of my community, yes.

18 Q. Is the area west of where the reserve  
19 is shown?

20 A. Yes.

21 Q. And to the southeast of the boundary  
22 of Steve Jourdain's trapping territory?

23 A. That's right. Fur has no value any  
24 more, we have to make some form -- fur is of no value  
25 any more, we are going to have to have some form of

1 livelihood, and I'm asking for the exclusive rights to  
2 cut in this whole area here that no one has -- if no  
3 one has that area yet, I would ask that Lac la Croix  
4 Band be given the exclusive rights to cut in that area  
5 if indeed a road is coming in to Lac la Croix to  
6 harvest the wood that is there.

7 Okay. Everybody hear me all right.

8 MADAM CHAIR: We certainly can, Mr.  
9 Atatise.

10 MR. FREIDIN: Well, I'll try to speak up  
11 from over here.

12 Q. If we look at the witness  
13 statement --

14 MADAM CHAIR: Mr. Atatise, would you like  
15 to sit down again, you're not going back to this map.

16 MR. FREIDIN: Just one more. It might be  
17 helpful for this last question. Pardon me.

18 Q. On page 13 in the first full  
19 paragraph in the last sentence you indicate that the  
20 only direction the people can look from their reserve  
21 and not see a park is northwest and there they see  
22 clearcuts approaching.

23 A. Yes.

24 Q. It's my information that the closest  
25 clearcut to the northwest corner of your reserve is

1       about 12.5 kilometres away?

2                   A.   About six, seven miles.

3                   Q.   Six, seven miles.

4                   A.   Yes.

5                   Q.   That's correct?

6                   A.   That's right.  It's northwest, and if  
7       you look you can see it coming.  You know, it don't  
8       look like the Sahara Desert certainly and, you know,  
9       like, nothing is done.

10                  Q.   Okay.  I think probably now it would  
11       be an appropriate time for you, unless you want to  
12       stand while you are giving your evidence, I'm not going  
13       to be using these maps any more.

14                  A.   I prefer to stand because I'm a  
15       fitness freak and I don't like sitting around.

16                  MR. CASSIDY:  We can all identify with  
17       that.

18                  MR. FREIDIN:  Q.  Now, Mr. Atatise, to  
19       the extent that you can help us on this I would ask  
20       that you do, if you can't, then we will just have to  
21       deal with it another way.

22                  We originally expected Steve Jourdain to  
23       be here and I had wanted to ask him about specific  
24       sections of the witness statement.  I wanted to ask  
25       Steve Jourdain about a specific portion of this witness

1 statement that deals with two issues, one being his  
2 application to in fact obtain a trap line, the trap  
3 line of Elizabeth Lessard; right?

4 A. Right.

5 Q. And I also wanted to ask him  
6 questions about his application, as he refers to it in  
7 the witness statement, to be a park ranger.

8 Now, are you familiar at all with either  
9 of those two issues?

10 A. I am familiar that he did put  
11 application in for Elizabeth Lessard's ground, but then  
12 I think he came in No. 2 and he didn't win, I  
13 understood. My understanding of that, that he never  
14 got the ground, but I'm not familiar that he did ask to  
15 be a park ranger. That I cannot answer.

16 Q. All right. Now, the section of the  
17 witness statement that I'm referring to - let's deal  
18 with the issue of the Lessard licence - on page 14 of  
19 the witness statement it states, starting in the second  
20 line:

21 "The Chief, Steve Jourdain, applied but  
22 was told he "came in #2."

23 Pardon me. That was for the park ranger.  
24 Then it says:

25 "He applied for another trap line because



1 his had been cut over. Again, he "came  
2 in #2, a non-Indian got the trap line,  
3 and Chief Jourdain was told he didn't get  
4 it because he had no experience."

5 A. I read that and I laughed.

6 Q. He said:

7 "... (he has trapped all his life)", and  
8 he wrote this statement, and he also suggested he was  
9 not given the licence because he was not a member of  
10 the Trappers Council, and he says in fact he's  
11 President of the Lac la Croix Trappers Council.

12 Now, before I ask you some questions  
13 about that --

14 MR. FREIDIN: I believe Mr. Colborne can  
15 confirm for us, Madam Chair, that the document that he  
16 had marked as Exhibit 1869 is in fact a recommendation  
17 of the Game and Fish Hearing Board in relation to the  
18 very application we're talking about, the application  
19 of Chief Jourdain to in fact obtain the trap line  
20 which, at the time, application was held by Elizabeth  
21 Lessard.

22 MR. COLBORNE: Yes, I can confirm that.  
23 The reason why I brought Exhibit 1868 and 1869 here was  
24 because Chief Jourdain was not available and I thought  
25 that these, the key documents in issues that had

1 produced many, many documents, might have  
2 satisfactorily summarized the current state of two of  
3 the main points made in the witness statement; those  
4 two main points being: The continued problem of  
5 Quetico Park access - and I was rather hoping that  
6 Exhibit 1868 would make this Board sufficiently and  
7 accurately aware of the current status of that - the  
8 second issue being the one of the Steve Jourdain trap  
9 line - and Exhibit No. 1869 is the decision or  
10 recommendation of the Game and Fish Hearing Board which  
11 I had hoped, again, would be an adequate way to deal  
12 with that in the absence of Chief Jourdain.

13               However, if Mr. Freidin does want to deal  
14 further with those issues I have no problem because  
15 they are in the witness statement, but this witness may  
16 not have the information and, if necessary, I am  
17 prepared to make a reasonable undertaking.

18               There's no question on the record that  
19 Steve Jourdain is the source of the information  
20 contained in the witness statement, but there is also  
21 no question that Steve Jourdain is simply not available  
22 today.

23               But I don't think he would have any  
24 objection to coming here at a different time. He,  
25 according to what I think Mr. Wildman said today, and I

1 am reading from Exhibit 1868, Mr. Wildman said this  
2 afternoon that:

3 "The Elders and the Chiefs of the Lac la  
4 Croix First Nations are in the speakers  
5 Gallery today."

6 So if we get into areas which really  
7 can't be dealt with by this witness, either by way of  
8 undertaking to obtain documentation or, if necessary,  
9 calling Chief Jourdain, that's no particular problem  
10 with me.

11 MR. FREIDIN: Madam Chair, I think we can  
12 deal with this quickly. What I would like to do to  
13 respond to the evidence in the witness statement as to  
14 what was or was not the reason for Chief Jourdain  
15 coming in second - my client had a concern about that  
16 statement - I would like to supplement the record by  
17 merely filing a series of correspondence between the  
18 Ministry and Chief Jourdain leading up to and following  
19 the decision of the Board.

20 I've attached to the beginning of that -  
21 and I can take it off if you have any objection, but I  
22 don't think there will be - just a short statement  
23 describing what each document is. I can put that in,  
24 need not refer any of it to this witness, the record  
25 can speak for itself.

1                   I can just tell you the reason I'm doing  
2                   it is because it's the Ministry's position that the  
3                   statement suggesting the reasons that he was not  
4                   successful should be looked at in light of the complete  
5                   record, and I just want to put that in so I can make  
6                   submissions, if need be, at the end.

7                   Unless the Board wants to deal with it  
8                   now, because they like to deal with these things as  
9                   they arise, I'm in your hands.

10                  MR. COLBORNE: I'm just going to take a  
11                  moment to look at this. The reason why I wanted to  
12                  look at it is because I don't disagree with anything  
13                  that Mr. Freidin said, except that the record speaks  
14                  for itself. Quite often when you have the Ministry of  
15                  Natural Resources on one side and a private individual  
16                  on the other side the record is the self-serving  
17                  creation of the Ministry of Natural Resources and you  
18                  can't really get the full story unless you actually ask  
19                  the individual who doesn't have the massive bureaucracy  
20                  that creates tonnes of paper.

21                  So I'm reasonably comfortable looking at  
22                  this, because I dealt with the case before the Fish and  
23                  Game Hearing Board.

24                  MR. FREIDIN: I think there's even a  
25                  letter in here from you, Mr. Colborne.



1 MR. COLBORNE: Yes. I'm not objecting to  
2 it going in. I think that if this in fact is an issue  
3 of concern for the Ministry of Natural Resources, I  
4 will be calling Chief Jourdain because I'm pretty sure  
5 that this is one of those issues that if you only look  
6 at the documentary record you might not necessarily get  
7 the exact picture, at least you don't get all  
8 perspectives on it.

9 But subject to that comment, I am not  
10 objecting to this.

11 MADAM CHAIR: That will be Exhibit 1877.  
12 How many pages, Mr. Freidin?

13 MR. FREIDIN: 30.

14 MADAM CHAIR: Three, thank you.

15 MR. FREIDIN: 30.

16 MR. MARTEL: 30!

17 MR. FREIDIN: 12 pages. (handed)

18 MADAM CHAIR: Thank you.

19 MR. FREIDIN: The first page of which is  
20 a short summary of each of the documents which is  
21 contained in the exhibit.

22 MR. MARTEL: Thank you.

23 ---EXHIBIT NO. 1877: 12-page document produced by MNR  
24 containing correspondence re  
25 Steve Jourdain and issues  
pertaining to trap line and Fish  
and Game Board hearing.

1                   THE WITNESS: If Don and the other  
2 gentleman is done speaking --

3                   MADAM CHAIR: Yes, Mr. Atatise, would you  
4 like to add something?

5                   THE WITNESS: Yes, I would like to add  
6 one more issue here in regarding to MNR procedures back  
7 in 1910 and back in 1931. Where MNR, like I said,  
8 overruled federal law and took a little piece of land  
9 in the Gawa Bay area which is exhibit - I forget now,  
10 this one, it's not even numbered - Exhibit 1872, and  
11 this is Gawa Bay Little Indian Reserve which was an  
12 Indian reserve until 19 -- can you see all right?

13                  MADAM CHAIR: Yes we can, Mr. Atatise.

14                  THE WITNESS: Until 1915, according to  
15 that letter, but in 1931 my ancestors, my grandpa was  
16 forced out of there at gun point during the winter.

17                  MADAM CHAIR: All right.

18                  THE WITNESS: And I would also like to  
19 add at that same period of time on Sturgeon Lake and  
20 now called -- an island called Scripture Islands, I had  
21 another grandfather who had a building and a stretcher  
22 up on Scripture Island -- on the southeast tip of  
23 Scripture Islands and at that time I think the  
24 Homesteaders Act was made available to certain people.

25                  My grandpa Ben was asked to leave and

1 then the building was destroyed. There was no  
2 compensation to Ben Atatise or his son, my dad, Edward  
3 Atatise, I am Edward Atatise the third, and my son is  
4 Edward Atatise the fourth, there's three Edward  
5 Atatises, I'm sorry.

6 There was no compensation made to them  
7 and there was no compensation made to the Gawa Bay  
8 incident.

9 If there are any records which were  
10 relevant to 24C, when I did a survey of how 24C ended  
11 as a reserve, I did quite a study on that, I think  
12 Treaty 3 holds a lot of information. I wrote them one  
13 last letter that my people were hurt individually  
14 because my grandpa being forced to leave a land that he  
15 thrived in at gun point in the middle of the winter, I  
16 wrote them a letter of this nature, I says:

17 "Every Band in Canada that signed the  
18 Treaty in 1873 had exclusive rights to  
19 choose a section of land of which they  
20 wanted to live in and they were given  
21 that section of land by the federal  
22 government. And Gawa Bay was a  
23 reservation and recognized by the federal  
24 government. Then all of a sudden it was  
25 cancelled by the Province of Ontario in

1                   1910, 1915 era."

2                   This is page 13 of the thing -- letter,  
3                   dealing with that Quetico and Lac la Croix.

4                   Now, I just wanted to say that, that the  
5                   MNR or even Ottawa never gave me any evidence back  
6                   which was relevant to the case of 24C, that's why I'm  
7                   saying that, that's why I'm bringing that up.

8                   MADAM CHAIR: Thank you, Mr. Atatise, and  
9                   the area you're referring to where your grandfather was  
10                  expelled is reserve 24C, and is that the same area that  
11                  Mr. Wildman is referring to in his press release where  
12                  they're going to look at the land claim?

13                  THE WITNESS: Yes, that is the one, yes.

14                  MADAM CHAIR: All right.

15                  THE WITNESS: Yeah, okay, but I am still  
16                  interested in that Homestead Act of Scripture Islands  
17                  on Sturgeon Lake, why my grandfather was not given the  
18                  same right as any other homesteader in Canada.

19                  MADAM CHAIR: And that has nothing to do  
20                  with 24C?

21                  THE WITNESS: No, nothing to do with 24C,  
22                  this is separate issue, this is my issue, my  
23                  grandfather's issue. He held a fur trading business  
24                  there. I am not sure exactly which year that he was  
25                  asked to leave, but he was asked to leave.



1                   MADAM CHAIR: And you think that had  
2 something to do with settlers as opposed to Quetico  
3 Park?

4                   THE WITNESS: Directly to do with Quetico  
5 Park, because of the Quetico Park being initiated and  
6 created in that area then my grandpa was forced to  
7 move.

8                   MR. FREIDIN: Madam Chair, I would  
9 like --

10                  MADAM CHAIR: Thank you, Mr. Atatise.

11                  MR. FREIDIN: I would like to just  
12 supplement the last exhibit with a series of  
13 correspondence. My copies have been marked up, but Mr.  
14 Colborne has been good enough to give me a clean copy  
15 of a letter from Mr. Wildman to Chief Jourdain, it's  
16 got a May 3rd, 1991 received stamp at the bottom  
17 righthands corner.

18                  MADAM CHAIR: Are we talking about 1877?

19                  MR. COLBORNE: Yes, we are.

20                  MR. FREIDIN: Yes.

21                  MR. COLBORNE: This just goes to show how  
22 maybe, once again, the written record is not  
23 necessarily perfect, especially in a issue that is  
24 emerging. It seems to me that there is an issue that  
25 is practically a relevant part of that record which is

1 just literally received today.

2 MR. FREIDIN: Just a Ministry statement,  
3 but I don't want to leave the suggestion that I hadn't  
4 filed -- I had documents to file but they're marked up.

5 MADAM CHAIR: Mr. Freidin, are you going  
6 to be much longer? Our court reporters are going to  
7 need a break.

8 ---Discussion off the record

9 Go ahead, Mr. Freidin, and we will close  
10 this session when you're done.

11 Is this to be part of Exhibit 1877, or do  
12 we separately exhibit it?

13 MR. FREIDIN: I think we should put it in  
14 as part of exhibit --

15 MADAM CHAIR: Of 1877?

16 MR. FREIDIN: Yes.

17 MADAM CHAIR: All right. And the date is  
18 to be May 3rd, 1991.

19 MR. FREIDIN: If that is what the  
20 received stamp is. I don't know why there's no date on  
21 it, even the copy I have.

22 Q. Let me just put these questions to  
23 you, maybe you may be able to confirm or not -- just  
24 tell me whether you can confirm them or not.

25 It's my understanding that in August of

1 1985 your Band was advised by the District Manager in  
2 Atikokan that a seminar was going to be put on to in  
3 fact discuss how to bid on government work. Do you  
4 have any information that that in fact occurred?

5 A. I don't think I even heard of any  
6 such thing. I think I would like to have a copy of  
7 that, if you don't mind.

8 Q. This maybe the fastest way to deal  
9 with this, Mr. Atatise. Here are three letters  
10 (handed) that I would just like to ask whether you can  
11 confirm the information in them, and if you can't,  
12 that's fine. I would like to confirm the fact that the  
13 letters were sent and received.

14 The first letter perhaps -- the first  
15 letter, which is August the 15th, 1985 from the  
16 District Manager in Atikokan to Chief Bochev indicates  
17 in the first paragraph that they're advising him that  
18 there will be a seminar on September the 19th to  
19 discuss how to bid on government work.

20 So you're not familiar with that and  
21 that's fine.

22 A. Oh, no, no. I wasn't even aware this  
23 thing was ever available.

24 Q. And the second document again is  
25 another letter November the 14th, 1986 from the then

1 Minister Mr. Kerrio to Chief Jourdain raising in the  
2 third paragraph a matter that I think was raised by Mr.  
3 Martel the other day; and, that is, terms of how to  
4 deal with three different governments on what are far  
5 from simple matters giving rise to concerns.

6 And were you aware of that letter being  
7 sent?

8 A. I would like to read through it  
9 first, sir.

10 Q. Okay.

11 MADAM CHAIR: Do you want this to be an  
12 exhibit, Mr. Freidin? This correspondence will be  
13 Exhibit 1878.

14 ---EXHIBIT NO. 1878: Letter dated August 15, 1985  
15 from District Manager Atikokan to  
16 Chief Bochev, letter dated  
17 November 14, 1986 from Minister  
Kerrio to Chief Jourdain, and  
letter dated May 3, 1991.

18 MR. FREIDIN: Which one has been marked  
19 that, Madam Chair, all three of them?

20 MADAM CHAIR: Yes, it will be comprised  
21 of three letters.

22 MR. FREIDIN: Okay.

23 Q. And my last question -- my second  
24 last question: Are you familiar with the joint effort  
25 between the Ministry of Natural Resources and your Band



1 to prepare a document which has been referred to as a  
2 proposal to improve economic benefits in the village of  
3 Lac la Croix from a Quetico Provincial Park document  
4 which was prepared in July of 1990?

5 A. I am not knowledgeable. Like I say,  
6 I am a mechanic and I have no knowledge of that kind of  
7 stuff too much, but I am concerned about this Minister  
8 Kerrio visiting my reserve and I lived there, Kerrio,  
9 and I don't think I ever saw the man.

10 Q. Mr. Kerrio is a very quiet man.

11 A. What is he; is he a white man or a  
12 Jamaican or what is he? I'm just kidding.

13 Q. It's my understanding - and this is  
14 my last question for you, Mr. Atatise - that the  
15 Ministry of Natural Resources has had numerous meetings  
16 with your Indian Band both on the reserve and off over  
17 the years, particularly over the last two or three  
18 years, in an attempt to address the concerns that your  
19 Band has regarding economic development.

20 And are you able to confirm that that in  
21 fact is accurate?

22 A. That also I'm not prepared to answer.

23 MR. FREIDIN: Okay. Those are my  
24 questions, Madam Chair.

25 MADAM CHAIR: Mr. Colborne?

1                   Mr. Martel had asked earlier, do you know  
2                   who the licence holder is in the area adjacent to the  
3                   Lac la Croix Band?

4                   MR. FREIDIN: All right. If this is  
5                   wrong I'll confirm it. My understanding is it's part  
6                   of the Flanders Crown Management Unit and the area in  
7                   question has not been allocated for harvest any timber  
8                   management plan.

9                   MADAM CHAIR: Thank you.

10                  MR. FREIDIN: I'll check that out with my  
11                  folks in Toronto and let you know.

12                  MADAM CHAIR: Thank you, Mr. Freidin.

13                  MR. FREIDIN: And we're talking that  
14                  little area there, we're talking seven miles.

15                  MR. MARTEL: Yes.

16                  MR. COLBORNE: I have a few questions in  
17                  re-examination.

18                  RE-DIRECT EXAMINATION BY MR. COLBORNE:

19                  Q. Mr. Atatise, the trapping returns,  
20                  Exhibit 1875, they show --

21                  MADAM CHAIR: I'm sorry to do this, I'm  
22                  just worried about the court reporters they've going  
23                  for 3 hours now.

24                  ---Discussion off the record

25                  MR. COLBORNE: Q. They show quotas all

1 going down in the 85-86 year I think, if I'm correct in  
2 glancing at -- no, no, I'm sorry, it was only for the  
3 smaller trap lines.

4 So my question will be this, and I am not  
5 generalizing about these because I see that they're not  
6 all the same. Why do quotas change?

7 A. Why do the quotas change?

8 Q. Yes.

9 A. It could be, like, the Indian himself  
10 has always saw and respected nature, did not abuse,  
11 when he saw that the beaver population was depleting in  
12 his ground he would leave the beaver alone; when he saw  
13 that the marten was depleting in his area, he would  
14 leave them alone.

15 Like, the Indian -- I suppose being  
16 Indian, respecting the land, respecting the creator and  
17 respecting everything, and I think that is why probably  
18 the record show as such in respect to the animals that  
19 are depleting the population.

20 Q. Did I understand you correctly to say  
21 that it was the declining price for furs which was one  
22 of the factors why less fur was taken in some years or  
23 in recent years?

24 A. Yes, some years because, like, it's  
25 not worth to go out there and burn \$5 worth of gas and

1 see a hundred traps when you pull in only one or two  
2 animals out, like I say.

3 Like I say, when you see that they're  
4 declining then you quit, you have to because you have  
5 got to let the animal build up.

6 Q. So am I right that we just mentioned  
7 at least two reasons?

8 MR. FREIDIN: Well, please don't lead the  
9 witness on this, this is an area of some contention and  
10 you have now --

11 THE WITNESS: Well, I'm not tired, I've  
12 got another day like this tomorrow in court to deal  
13 with it, so this don't bother me.

14 MR. FREIDIN: Well, it's not you that is  
15 bothering me, it's Mr. Colborne at the moment.

16 MR. COLBORNE: No, I think that Mr.  
17 Freidin should listen to the question because I don't  
18 believe it's leading if I simply try to summarize my  
19 understanding of what he has just said and then ask a  
20 different question.

21 MR. FREIDIN: Well, I think it is  
22 improper.

23 MR. COLBORNE: Well, my submission is  
24 that it's not.

25 MR. FREIDIN: We've been over this many



1 times...

2 THE WITNESS: I think both wills have to  
3 tie together anyway, it's like connecting the mind and  
4 the heart, you know.

5 MR. COLBORNE: How about if I just go on.

6 Q. Mr. Atatise, all I want to ask you  
7 about is, what's the effect on trapping of the cutting  
8 which would occur or if it occurs on trap lines?

9 A. Okay.

10 MR. FREIDIN: I object to that too.  
11 We've been over that.

12 MR. CASSIDY: That was asked in  
13 examination-in-chief.

14 MR. FREIDIN: I asked him in  
15 cross-examination what it was and he said it's not the  
16 cutting, it's not the timber, it's the people over  
17 there who won't buy furs. That was his evidence. Now  
18 he's trying to --

19 MR. COLBORNE: No, I heard him say that.  
20 I heard him say that, but I also --

21 THE WITNESS: I said that, but I also had  
22 next question. I have to be honest, I am not -- I'm on  
23 nobody's side but mine, I'm just going to answer as  
24 honest as I can. Okay.

25 If you cut over an area where there's

1 pine, marten are going to leave, right.

2 MR. FREIDIN: Sure.

3 THE WITNESS: You cut over an area where  
4 there's poplar trees or aspen, then the beaver are gone  
5 because they're going to leave. So sure, you can cut  
6 over an area, it affects population of the animals in  
7 that area.

8 I cannot lie. I swore on the book here  
9 which is the Holy Bible, so I cannot lie, I have to be  
10 honest.

11 MR. FREIDIN: I have no problem with that  
12 evidence.

13 MR. COLBORNE: Okay.

14 Q. Let's look at this Exhibit 1876.

15 When you were referring to one of the trap lines you  
16 said that is all swamp, there's no animals in there  
17 anyway, but you were not referring to Steve Jourdain's  
18 trap line; is that correct?

19 A. I was referring to all these little  
20 marks here. These are all swamps. A lot of animals  
21 don't thrive in swamps, understand, because there's  
22 nothing there for them to feed on or thrive on.

23 I am a woodsman, I live with the animals  
24 from beginning of time when I was -- my great ancestors  
25 came here, we have lived with them. So we know where

1       they thrive and where they don't thrive.

2                   Q.   Okay.  If we look at Steve Jourdain's  
3       trap line then on this Exhibit 1876, there are some  
4       parts of it that don't -- that are not marked as having  
5       been cut.

6                   A.   That's right.

7                   Q.   Just look at those.  Are you familiar  
8       with that trap line?

9                   A.   Yes, I used to trap there with my  
10      friend, his brother Paul Jourdain who is now deceased,  
11      and I have been through that country quite a bit.

12                  Q.   Okay.  Are there areas there which do  
13      not produce fur because they are swampy areas in that  
14      particular trap line?

15                  A.   There would be some areas, I guess,  
16      where that swampy -- heavy swampy areas where nothing  
17      but rabbit because they prefer the aspen and the other  
18      stuff.

19                  Q.   Can you tell me where those areas are  
20      on that?

21                  A.   Right off this map I can't really say  
22      where.  I have been through Bullmoose, I have been  
23      north of Little Eva and Little Eva used to have a lot  
24      of animals because it's not a swampy area, but through  
25      the other part here, I can't say right offhand

1       whether -- what's there or what it would produce, you  
2       know, I can't -- I'm not God, almost but not God.

3                   Q.   Okay.  What I wanted to know is the  
4       areas on there that are not marked as having been cut  
5       over, are they good fur producing areas?

6                   A.   I would say not because -- I don't  
7       think they're even good wood cutting areas because if  
8       they were they would be cut.  That is the way I look at  
9       it.

10                  Q.   Okay.  Now, Mr. Atatise, you said in  
11       answer to a question, which I think was from Mr.  
12       Cassidy, that it was members of the Lac la Croix  
13       community who had access to the lakes, but I think at  
14       another point in time you referred to the guides  
15       association, or maybe I was reading and thought I heard  
16       that.

17                  All I want to do is clarify who exactly  
18       is it who has access; is it the members of the  
19       community?

20                  A.   Quetico?

21                  Q.   Yes.

22                  A.   By a Treaty Lac la Croix has  
23       exclusive rights in all of Quetico Park with or without  
24       permission of MNR.  Like I say, we honour their  
25       regulation because we are kind.



1 Q. Okay.

2 A. We choose to go on the 7th into the  
3 park but we're not going because of our kindness. We  
4 give up our right to go in there because Mr. Wildman  
5 has honoured our demands, you know. Like, we don't  
6 want to create a fight with nobody, all we want to do  
7 is exercise our rights.

8 MADAM CHAIR: Excuse me, Mr. Atatise, did  
9 you say something about the 7th?

10 THE WITNESS: Yes.

11 MADAM CHAIR: What do you mean the 7th?

12 THE WITNESS: We were going to go into  
13 the Park.

14 MADAM CHAIR: You were going to have a  
15 demonstration?

16 THE WITNESS: Not a demonstration, just  
17 exercise our rights.

18 MADAM CHAIR: And that was planned for  
19 July the 7th?

20 THE WITNESS: Yes. We had -- no, pardon  
21 me, for June 7th. June 7th it was.

22 We are not going out there to hurt  
23 anybody, we are just going to go out there and fish,  
24 hunt deer, and exercise our treaty rights. And we are  
25 not out there to hurt anybody.

1 MR. COLBORNE: Q. The question I was  
2 interested in is whether this is the Lac La Croix  
3 Guides Association or members of the Lac La Croix Band  
4 who have the agreement with Ontario. Can you help me  
5 with that? And I now know why I thought maybe --

6 A. I think it is an exemption to Lac La  
7 Croix Band, not Lac La Croix Guide Association.

8 Q. Okay. I just want to --

9 MR. CASSIDY: I was referring to the  
10 band.

11 THE WITNESS: That is referring to the  
12 band, yes.

13 MR. COLBORNE: Q. In Exhibit 1873A --  
14 well, at least 1873B, and it's possibly in other parts  
15 of Exhibit 1873, this is one of the documents that Mr.  
16 Freidin brought here today, there is a reference to it  
17 being the Guides Association, not the band, that have  
18 the agreement or have the exemption from Ontario.

19 A. Okay. That has changed. At one time  
20 it was the Guide Association. At one time it was only  
21 the Guide Association carrying a little card. I will  
22 show you the little card even when I get it out. The  
23 card would allow you to go in. It was issued by MNR.

24 MR. CASSIDY: Can't we take his word for  
25 it?

1 THE WITNESS: I will get out the card.  
2 Here it is. Who do I show it to to?

3 MR. COLBORNE: This is a card entitled  
4 "Ministry of Natural Resources". It has the Ontario  
5 emblem. It says "This is to certify that Edward  
6 Atatise is a member of the Lac La Croix Guides  
7 Association, is authorized to operate power boats at  
8 Quetico PP". And it seems to be signed by a J.S.  
9 Toole, district manager, Atikokan.

10 Q. When did you get this, sir?

11 A. I believe this is about... Isn't the  
12 year on it? May, June, July, August, September, the  
13 year is not on it. I think this -- I think I got it  
14 from about three years ago.

15 Q. I don't think it's necessary to file  
16 it as an exhibit unless one of counsel wish to see it  
17 filed.

18 One more topic, Mr. Atatise. You have  
19 mentioned -- well, just a moment. Let me phrase it  
20 this way.

21 Mr. Cassidy asked you if the reason for  
22 the special access agreement in Quetico Park had to do  
23 with the economic needs of your community. Do you  
24 remember being asked a question of that type?

25 A. Did you ask me that?

1 Q. Mr. Cassidy here.

2 A. Mr. Cassidy.

3 The reason why we need access to the park  
4 I guess to improve our economics, yes.

5 Q. You have also several times mentioned  
6 treaty rights or treaty and aboriginal rights.

7 A. Right.

8 Q. My question to you is: Are you  
9 saying to us that your treaty and aboriginal rights are  
10 also related to why you have a special access agreement  
11 to Quetico Park?

12 A. When my forefathers signed the treaty  
13 in 1873, I don't think they were aware of that section  
14 of land ever becoming a restricted area for my people.  
15 They signed a treaty believing that they would have  
16 exclusive hunting rights all over that area. Then it  
17 became restricted. But are looking better today and I  
18 hope they will improve without any further harassment  
19 from either party.

20 Q. Have you been involved in any of the  
21 discussions recently between the Lac La Croix band and  
22 Ontario in regard to access to those lakes?

23 A. I was in discussion when Mr. Durham  
24 (phoen.) was there and another lawyer earlier. And  
25 that's when we asked that we be given Calm, Jean and



1       Cirrus (phoen.).

2                   Q.   At that time was the request based on  
3       economic need or was it based on treaty and aboriginal  
4       rights or was it based on both or was it based on  
5       something else?

6                   A.   I think it was based on economic  
7       need.   In order for us to expand our tourist business  
8       due to the neighbours to the south, we have to move  
9       north.   That's the only way to move.   And the only way  
10      we can move is with the co-operation of MNR.   And if  
11      MNR co-operates with us, that tourist business like I  
12      say would be good because there are a lot of lakes,  
13      Sturgeon Lake.

14                  If I recall, many, many years ago I had  
15      suggested to some MNR official in a meeting:   Is it  
16      possible to rotate landing sites in the park areas  
17      because of the heavy fishing pressure that it's getting  
18      now because of the road that's coming to Beaverhouse?  
19      And I asked that if one be put on Sturgeon Lake, a  
20      landing site, so that the fishing pressure would be  
21      less on the lakes of the area there.   And I never got a  
22      response.

23                  MR. FREIDIN:   Landing sites for  
24      airplanes?

25                  THE WITNESS:   Yes, on Sturgeon Lake.

1                   Like another base, another access point  
2           was what I was asking. Years ago they used to have an  
3           old ranger's station there, just past the Narrows,  
4           there used to be a tower here, and I think when I was a  
5           kid - if I can remember back about fifty years - we  
6           used to do the guide lining (phoen.) and do it well  
7           when we used to work down there. there's an island  
8           there on Sturgeon Lake. And we used to go climb that  
9           tower up there.

10                   That's why I suggested to have a rotation  
11           type thing because depleting the lake -- like  
12           management is not depleting the lake. Management is  
13           rotating. A good farmer knows he cannot keep sowing  
14           seed in the same area, same type of seed, because if he  
15           does he is using up the soil. He has to rotate the  
16           crops and let the crops, you know, retain soil and  
17           replenish the soil. And that's why I suggested a  
18           rotation type thing to MNR.

19                   MR. COLBORNE: Those are my questions.  
20           Thank you very much, Mr. Atatise.

21                   THE WITNESS: You are very welcome.

22                   MR. FREIDIN: Thank you, Mr. Atatise. I  
23           enjoyed the discussion.

24                   MADAM CHAIR: Thank you, Mr. Atatise.  
25           You are all finished now, and we are

1 finished for the day.

2 MR. FREIDIN: Let the record just show  
3 that Mr. Martel gave the "thumbs up" sign. (Laughter)

4 MR. CASSIDY: Just a scheduling matter  
5 regarding Panel 3. My understanding from Mr. Colborne  
6 as of this moment I speak is that we will be  
7 re-commencing Panel 3 on Monday June 10; is that  
8 correct?

9 MR. COLBORNE: No.

10 MR. FREIDIN: Wednesday, June 12th.

11 MR. CASSIDY: Wednesday, June 12th?

12 MR. COLBORNE: Wednesday June 12th?

13 MR. CASSIDY: As the Board may know, I am  
14 not intending to be here tomorrow or Wednesday. If by  
15 some chance that you intend to do Panel 3 on Thursday,  
16 would it be possible for Mr. Pascoe perhaps to inform  
17 me by Wednesday at some reasonable hour so that I might  
18 jump on a plane and come up here.

19 MADAM CHAIR: Yes, Mr. Pascoe will do  
20 that.

21 Mr. Colborne, do you really think we are  
22 going to be all day with Panel 4 tomorrow?

23 MR. COLBORNE: We should discuss that  
24 now.

25 MADAM CHAIR: Mr. Freidin, how long in

1 cross-examination?

2 MR. FREIDIN: As interesting a witness  
3 statement as it is, I don't think I will be more than  
4 an hour, an hour and a half. I just can't see,  
5 depending on how it goes.

6 MADAM CHAIR: And none of the other  
7 parties is cross-examining.

8 And how long would you be in direct  
9 examination, Mr. Colborne?

10 MR. COLBORNE: Two hours.

11 MADAM CHAIR: Will your Panel 5 witnesses  
12 be prepared to come on tomorrow afternoon or I suppose  
13 they are flying in from Ottawa.

14 MR. COLBORNE: They are flying -- I don't  
15 recall when they arrive, but I think it's on the 11 or  
16 11:30 flight, so if I am correct in that, then we might  
17 be able to move directly to Panel 5.

18 MR. FREIDIN: As long as I don't have to  
19 cross-examine until the next day, I am okay.

20 MADAM CHAIR: Yes, it sounds like we --  
21 well, the Board thinks that we will be finished Panel 4  
22 at midday tomorrow, and if your Panel 5 witnesses are  
23 prepared to go ahead, we would be appreciate that.

24 MR. COLBORNE: Yes.

25 MADAM CHAIR: Thank you very much.



1 MR. MARTEL: Do you still plan to be a  
2 day and a half on Panel 5? We have had two numbers  
3 thrown around, one day and then a day and a half.

4 MR. COLBORNE: I don't think it will be a  
5 day and a half. Partly it depends on whether they have  
6 obtained for me anything comprehensible on population,  
7 but I do not think it will be a day and a half.

8 MADAM CHAIR: Mr. Freidin, are you the  
9 only party cross-examining?

10 MR. FREIDIN: I think so. And I will  
11 just venture a guess. I will just say an hour or so.  
12 I quite honestly haven't had a chance to look at the  
13 answers to the interrogatories which may have most of  
14 the information I want.

15 MADAM CHAIR: So we may very well be  
16 finished Wednesday evening, Mr. Colborne?

17 MR. COLBORNE: Yes.

18 MADAM CHAIR: All right, good. Thank  
19 you.

20 MR. CASSIDY: In the event that that  
21 occurs, is it your intention, Mr. Colborne, to proceed  
22 with Panel 3 on Thursday?

23 MR. COLBORNE: Not if it inconveniences  
24 anyone because it is difficult for me to obtain Panel 3  
25 evidence at this particular time due to the factors

1       that I have mentioned, although I can't say I am  
2       dissatisfied with the people who have agreed to fill  
3       in. They have been excellent witnesses.

4               MR. CASSIDY: It won't dissatisfy me as  
5       long as I know by three o'clock on Wednesday, at which  
6       time I will jump on a plane and get up here.

7               MADAM CHAIR: I think we should make the  
8       plans now, Mr. Colborne. In the view of the Board, we  
9       wouldn't require you to produce any more Panel 3  
10      witnesses on Thursday.

11              MR. COLBORNE: Fine.

12              MR. CASSIDY: Thank you, Madam Chairman.

13              MADAM CHAIR: Thank you very much.

14              We will begin at nine o'clock tomorrow  
15      morning.

16      ---Whereupon the hearing was adjourned at 7:00 p.m., to  
17      be reconvened on Tuesday, June 4, 1991, at 9:00 a.m.

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E R R A T A

VOLUME 313

For "Medeowin", please read: "Medowiwin".

VOLUME 316

For "Wabaskang", please read: "Wabauskang".

For "Chief Powassan", please read: "Chief Powassin".

For "Anderson Capet", please read: "Anderson Capay".

For "John Bole", please read: "John Bull".













